

Agenda Item No:

Report To: Cabinet

Date of Meeting: 26th November 2020

Report Title: Personnel Policies
(Sickness Policy Review, New Attendance Support and Management Policy, and New Probation Policy)

Report Author & Job Title: Joy Cross – HR Manager

Portfolio Holder Cllr. Pickering – Portfolio Holder for Human Resources and
Portfolio Holder for: Customer Services

Summary: Cabinet are asked to review and approve three new personnel policies. Two policies are being introduced and one policy materially alters the existing policy.

The proposed new policy documents are;

- Probation Policy
- Sickness Policy
- Attendance Management & Support Policy

The above policies replace the following policy documents in the current Conditions of Service

- S6 Sickness Policy

Key Decision: NO

Significantly Affected Wards: None specifically

Recommendations:

Policy Overview:

- S6 Sickness Policy

Financial Implications: None

Legal Implications The policy documents form part of the contract of employment (contained with the Conditions Of Service) and as such the Conditions of Service is referred to, together with notable employment legislation and codes of practice

- ACAS Code of Practice
- Employment Rights Act 1996
- Employment Relations Act 1999

Equalities Impact Assessment See Attached

Other Material Implications: None

Exempt from Publication: NO

Background Papers: N/A

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Report Title: Personnel Policies (Sickness Policy Review, New Attendance Support and Management Policy, and Probation Policy)

Introduction and Background

1. This policy review has been undertaken as part of the council's recovery plan to promote consistency, transparency and ensure our policies are fit for purpose during the current climate and beyond. We aim to have policies that are productive, flexible, practical and effective for all employees to create a positive organisational culture.
2. The purpose of the policy review is :
 - To streamline the existing process and provide clear guidance that is effective and enforceable
 - To reflect and comply with existing/ new legislation and case law.
 - To support the organisation's recovery plan.
 - To follow the latest developments in effective people management.
 - To deal with the change in our way of working as a result of the pandemic.
 - To attract potential candidates and retain employees by keeping up with current market trends.
3. A meaningful consultation process has been followed as detailed below.
4. The proposed new policy documents are provided to Cabinet for consideration as featured in Appendices 1-4
 - Appendix 1 Sickness Policy
 - Appendix 2 Attendance Management & Support Policy
 - Appendix 3 Attendance Management & Support Flow Chart
 - Appendix 4 Probation Policy
 - Appendix 5 Probation Policy Flow Chart
5. The original policy documents are provided to the Cabinet at Appendices 5
 - Appendix 6 S6 Sickness Policy
6. It is not proposed to amend the policy documents that are applicable to the group of employees at ASPIRE who transferred to Ashford Borough Council from Commercial Services Ltd in October 2016. Amendments to contractual terms associated with a TUPE transfer are likely to be unlawful under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (as amended).

Summary of Changes – Sickness Policy

General

7. The policy document has been amended significantly and so a like for like comparison is not possible; the following summary of changes is provided.
8. The current policy combines the process to follow when an employee is off sick with the process to follow in cases of recurring absence and long term absence. The revised and new policy documents separate out these two areas in order to more clearly articulate
 - a. the support that is provided to employees who are sick
 - b. the consistent approach to be taken when managing and supporting attendance.
9. *Notification of Sickness Absence* has been updated to take into account employees who do not work standard office hours and also to more thoroughly explain what the process is when an employee contacts their manager to report sickness absence. In cases of mental ill health, managers are required to signpost our employee assistance programme.
10. Managers are required to open the absence on ITrent when the employee first reports their absence. This is to ensure up to date, live absence reporting, rather than reporting at the end of an absence period or upon receipt of a fit note.
11. Support from HR should be sought where the sickness absence relates to a protected characteristic such as mental ill health, pregnancy, IVF, menopause, gender reassignment, substance abuse, an infectious disease or a serious disease such as cancer.
12. The revised policy features a section on *medical suspension* which did not feature in the old policy.
13. The section on *During Sickness Absence* has been extended to more clearly outline the responsibilities of both manager and employee during a period of sickness absence, including for example the requirement to stay in regular contact.
14. The *Return to Work Section* has been significantly extended to fully detail what should take place in an effective Return to Work meeting. Effective Return to Work meetings are recognised as the most effective way to prevent future sickness absence. Phased return plans have also been more clearly explained and limited to three months.
15. *Tailored Adjustment Agreements* are included in cases of return to work following long term absence. These have been piloted recently and have been found to be effective. Within the Tailored Adjustment Agreement emphasis is placed on support for employees returning to work following mental ill health.
16. *Medical Appointments* are referenced back to the Flexible Working Hours policy.
17. *Sick Pay* entitlements are unchanged in principal but more detail is provided for clearer explanation

18. A new section on time off following *Elective Surgery* is included.
19. The *Confidentiality* section has been updated with reference to the General Data Protection Act 2018.
20. Reference is made to *Unauthorised Absence* and is linked to the Disciplinary Policy and Procedure.

Summary of Changes – Managing & Supporting Attendance: Policy & Procedure

21. The new policy enables managers to support employees in improving their attendance and sets out the steps that should be taken if an employee's level of attendance falls below the standard expected by the Council.
22. Throughout the policy, Bradford Factors are closely referred to (and also feature in the current policy). The Bradford Factor is a professionally recognised method to apply a relative weighting for sickness absence. The Bradford Factor supports the principle that repeat absences have a greater operational impact than long term sickness. The origins of the Bradford Factor are linked to research carried out by Bradford University School of Management in the 1980s. The formula for the Bradford Factor is Spells (or incidents) of Absence x Spells (or incidents) of Absence x Days of Absence

$$S \times S \times D = B$$

An employee who has one spell of absence lasting ten days will have a Bradford Factor of 10 ($1 \times 1 \times 10 = 10$).

An employee who has ten spells of absence lasting one day each (a total of ten days off) will have a Bradford Factor of 1000 ($10 \times 10 \times 10 = 1000$).

23. Attendance Management is split into two sections; Managing Recurring Absence and Managing Long Term Absence or Chronic Illness.
24. For short term, recurring absence Bradford Factor scores of above 250 will trigger the formal attendance management process which is similar to a capability process in that it has an informal and a formal stage.
25. The purpose of the informal stage and the formal stage is to understand the reasons for the absence and to support the employee in improving their attendance levels.
26. Employees may be required to attend an Attendance Management Hearing as part of the formal stage. A possible outcome of the Attendance Management Hearing is that a sanction could be issued. Sanctions include a First Warning and Attendance Improvement Plan, Final Warning and Attendance Improvement Plan and a Dismissal.
27. Ongoing recurring absence will have a cumulative effect and an employee may ultimately be dismissed for persistent absence.

28. The policy features important sections on the *Equality Act*, *Workplace Adjustments* and *Referrals to Occupational Health* to ensure that the employee is properly supported and any sanctions are fair and reasonable.
29. Employees with long term and consistent absences will not be referred to an Attendance Management Hearing initially, nor to a Disciplinary Hearing as is the case in the current policy. Instead they will attend a series of Absence Review Meetings which will take a sympathetic and supportive approach. The process for Absence Review Meetings follows ACAS guidelines but with some sensitive adjustments.
30. For details on the process for Recurring Short Term absence and Long Term, Consistent Absence please see the flow chart at Appendix 3.
31. *Occupational Health Advice* is sought throughout the process and reasonable adjustments form an important part of the policy document.
32. In situations where an employee is no longer capable to complete the requirements of the role, with reasonable adjustments, the process refers to an *Attendance Management Hearing* where a possible outcome is dismissal on the grounds of medical capability, redeployment or ill health retirement

Summary of Changes – Probation Policy

33. A six month probationary period will apply to new employees, fixed term contract opportunities of more than six months but will not apply to existing employees that are seconded, moved, promoted, assimilated or redeployed to a new post within the council.
34. If the new policy is accepted, all Ashford Borough council contracts of employment will include a clause confirming that their offer of employment is subject to the successful completion a six months probationary period.
35. The policy outlines the line manager's responsibility in providing sufficient assistance, reasonable guidance and relevant training during their initial six months of a new employee's employment.
36. Probationary review meetings must be arranged by the line manager in the second, fourth and sixth months' of service, with the option to schedule additional review meetings with the employee if required. One to one meetings will take place in months, one, three and five. The flow chart at Appendix 5 provides a visual summary of the process.
37. An online platform will be used to document details of the review meetings, one to ones and the final outcome of the employee's probation; making the process easily accessible by both employee and manager and minimising the amount of administration time required.
38. During the review period, the line manager will assess the new employee's overall performance, conduct and attendance.

39. Following the final review meeting, the line manager will confirm the successful completion of the probationary period for employees who have achieved a satisfactory level of performance. On the other hand, employees whose performance have not met the required standard will either have their probationary period extended or in some cases, may have their employment terminated. These decisions must be made with appropriate guidance and advice from Human Resources.
40. Probationary period extensions are limited to a maximum of up to 3 months. An extension may also apply where reasonable adjustments or training are needed to enable the employee to adequately perform their role, or where there has been a long period of sickness or absence for either the employee or their line manager as a result of a temporary redeployment during a local or national crisis.
41. During the probationary period, a contract of employment maybe terminated by either party by giving a week's notice. Continuous service with another authority will be taken into account when calculating notice periods.
42. Employees have the right to appeal against a decision to terminate their employment. A straightforward appeal process has been provided and forms the final decision stage of this policy.
43. Line managers will make the required reasonable adjustments, for disabled employees, in the workplace with appropriate advice from Human Resources and Occupational Health. Decisions relating to an unsatisfactory level of performance for a disabled employee will be carefully considered.
44. Employees do not have the right to be accompanied at a probationary review meeting as these meetings are informal. However an employee may be allowed to have a trade union representative or a workplace colleague with them at their final probation review meeting (6 months) or the line manager might require additional support from their manager. In these instances, a HR representative must be present at the meeting.
45. An early termination of employment will not be considered during the six months period unless there is clear evidence that suggests that the employee is wholly unsuitable to the post.
46. Any suspected or established case of falsified qualification, experience, or a deliberate attempt of misrepresented abilities may result in the termination of the employee's appointment at any point during the probationary period.
47. The Disciplinary Policy & Procedure, Capability Policy Performance Management Policy & Procedure and Attendance Management & Support Policy will not apply to employees in their probationary period.

Implications and Risk Assessment

48. The main risks and implications of the course of action proposed are around introducing a policy document that is unlawful and an overall failure to consult with employees reading proposed changes to their contractual terms of employment (as detailed within the afore mentioned conditions of service).

49. The HR team have worked to ensure that the policy documents comply with key legislation in this area and the ACAS Code of Practice.

50. A meaningful consultation process has been followed with regard to this issue and is detailed below.

Equalities Impact Assessment

51. Members are referred to the attached Assessment.

Consultation Planned or Undertaken

52. As all four policy documents form part of our Conditions of Services, these policies are contractual (unless stated) and therefore employees must be consulted regarding any proposed changes. Additionally as the proposed changes are significant they must be referred to Cabinet and approved.

53. We have consulted with major stakeholders in IT, Health & Safety, Unison and JCC staff side.

54. Unison were provided with initial policy drafts. Unison fed back regarding the following areas in the Sickness Policy and the Attendance Management and Support Policy;

- Section 2.8
- Section 2.15.
- Overall flexibility for line managers
- Specific tone in some sections
- General suitability for supporting mental ill health.

55. Feedback was incorporated into the policy drafts and the revised Sickness Policy and Attendance Management and Support Policy was presented to JCC on 8th October 2020; no further feedback was provided to necessitate further adjustments.

56. Unison fed back regarding probation periods for Fixed Term Contracts within the Probation Policy and this section of the policy was amended accordingly.

57. The revised Probation Policy was presented to JCC on 12th November 2020 and any material comments will be tabled at the November Cabinet meeting.

Other Options Considered

58. The current policy documents are recognised by employees, managers and Unison as requiring an update.

Conclusion

59. The proposed policy documents have been produced following thorough consultation across the organisation and represent a transparent, fair and consistent set of procedures, supporting employees and the organisation equally.

Portfolio Holder's Views

60. To be provided.

Contact and Email

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Sickness Policy & Procedure

1 Introduction

- 1.1 The Council is committed to protecting the health and welfare of employees and to the management of absence in a sensitive, fair and consistent way.
- 1.2 An integral part of the policy is the duty of care we have for our employees and the need to provide appropriate levels of support in cases of physical and mental ill health.
- 1.3 The policy will ensure that absence is managed in a fair and consistent manner. Managers will be enabled to intervene appropriately to provide support and address the welfare needs of employees who are absent from work, or who are returning to work after a period of sickness absence.
- 1.4 This will contribute to the creation and maintenance of a healthy workforce and the reduction of sickness absence in the Council.

2 Notification of Sickness Absence

- 2.1 Employees who are unfit for work should contact their manager by telephone at the earliest opportunity and at least one hour before their start time. Contact by text, email or social media is not acceptable.
- 2.2 Service areas that operate out of normal working hours may put in place different reporting arrangements so that there is sufficient time for a line manager to arrange cover. This will be communicated to all employees within the service areas concerned.
- 2.3 The employee should discuss with their manager the following:-
 - reason for absence
 - estimated duration of absence (approximate)
 - whether they will be seeking medical advice
- 2.4 Where the absence is in relation to mental ill health, the manager will explain the services of the Council's Employee Assistance programme provider and pass the contact information to the employee.
- 2.5 The manager and the employee will discuss any work commitments that need attending to, agree the appropriate frequency of telephone contact and make arrangements for the next contact.

- 2.6 If the employee is not able to reach their own manager by telephone they should contact an alternative manager and leave a contact number so that their line manager can phone them back.
- 2.7 In exceptional circumstances the employee may ask someone to telephone on their behalf, for example where they are hospitalised and unfit to make a telephone call.
- 2.8 If an employee does not phone their manager as required and the manager is unable to contact them, contact may be made with the employee's emergency contact and/or next of kin. Such contact will be sensitive and not disclose any details regarding the employee other than the fact that they have not made contact with their manager and to ask after them.
- 2.9 Failure to promptly notify their manager of sickness absence may constitute an unauthorised absence and may result in the employee's loss of sick pay or action under the Council's Disciplinary Policy & Procedure.

Absence recording

- 2.10 The manager is responsible for opening the absence on iTrent on the day when the employee reports their absence, ensuring that the reason for absence is accurate.

Part day absence

- 2.11 If the employee leaves work due to illness before completing 50% of their working day this will be recorded as a full day absence.
- 2.12 If the employee leaves work due to illness after completing at least 50% of their working day this will be recorded as a half day absence.

Health & Safety

- 2.13 Where the absence is related to an incident in the workplace the manager should seek the advice of the Health & Safety team in order to ensure that the Council adheres to accident/incident reporting requirements.

HR support & advice

- 2.14 Where the manager believes the absence is related to one of the following reasons, advice should be sought from Human Resources in order to agree the support which can be provided to the employee and any other action which is required.

- mental ill health
- disability
- pregnancy
- menopause

- IVF
- gender reassignment
- suspected alcohol, drugs or substance misuse
- an infectious disease
- a serious illness e.g. cancer

Medical Suspension

2.15 Where a manager has significant concerns with regard to the ability of an employee to undertake work without risk to themselves or others, the employee may be asked to remain off work on medical suspension until Occupational Health advice has been obtained. Alternative duties or place of work may also be considered at this point as an alternative to Medical Suspension and in order to support the employee. Full pay will be maintained during the period of any Medical Suspension. Where a manager has significant concerns with regard to the ability of an employee to undertake work without risk to themselves or others, the employee may be asked to remain off work on medical suspension until Occupational Health advice has been obtained. Alternative duties or place of work may also be considered at this point as an alternative to Medical Suspension and in order to support the employee. Full pay will be maintained during the period of any Medical Suspension. Medical suspension is a rare and supportive measure taken to protect the health and safety of employees and members of the public, and is not a disciplinary action.

3 During Sickness Absence

Keeping in touch

- 3.1 Staying in regular contact with their manager keeps the employee connected to work, builds their confidence to return to work and helps the employee to feel supported and valued. Regular contact also allows the manager to monitor the employee's recovery and maintains a focus on the goal of returning to work.
- 3.2 The employee should maintain regular telephone contact with their manager during their sickness absence. The frequency will be agreed between the employee and their manager, ensuring that appropriate consideration is given to individual circumstances and that contact is supportive rather than intrusive.
- 3.3 The purpose of the contact will be to check on the employee's health, to ascertain whether there is any support required and to talk about any relevant updates or changes happening at work.
- 3.4 The employee should keep their manager updated on the expected duration of sickness absence and any significant developments in their health or treatment.
- 3.5 Failure to maintain regular contact may be considered as unauthorised absence and could result in the employee's loss of sick pay.

Self certification

- 3.6 For the first 7 calendar days of absence, regardless of whether they are working days, the employee should self-certify their absence and complete the Self-Certification form on their return to work as part of their return to work meeting with their manager.

Statement of Fitness for Work (Fit Note)

- 3.7 For absences of 8 calendar days or more, the employee should obtain a Statement of Fitness for Work, also called a Fit Note, from their General Practitioner (GP) which they should send to their manager.
- 3.8 Reports from other health providers such as physiotherapists and podiatrists are not acceptable.
- 3.9 Where the employee is hospitalised and has been absent from work for more than 7 calendar days, they should provide documentary evidence from a medical professional at the hospital, which should be forwarded to their manager in the usual way.
- 3.10 The Fit Note allows the GP to document how the employee's physical or mental health affects the work they can do.
- 3.11 The GP will either confirm that the employee is unfit for work, or that they may be fit for work subject to support from their employer, such as a phased return to work, altered hours, amended duties or workplace adaptations.
- 3.12 Where the GP has advised that the employee may be fit for work subject to support from their employer and the manager believes that this advice cannot be accommodated, the manager should seek advice from Human Resources.
- 3.13 The employee should send the initial and any subsequent Fit Note promptly to their manager in a confidential manner. Scans and photographs sent electronically are acceptable.
- 3.14 Employees are responsible for ensuring that there are not any gaps between Fit Notes and that they arrange follow up appointments with their GP at appropriate intervals, advising their manager of any delays in booking a GP appointment.
- 3.15 Upon receipt of a Fit Note it is the responsibility of the manager to forward the document to Human Resources in a confidential manner.
- 3.16 Employees do not need to go back to see their GP at the end of their Fit Note unless the GP has recommended this on the Fit Note or that the nature of the illness is such that Human Resources advise that medical opinion is required.

- 3.17 If an employee advises that they are fit to return to work prior to the expiry of a Fit Note their manager should obtain advice from Human Resources.

4 Sickness Absence & Annual Leave

- 4.1 Accrual of annual leave during sickness absence
- 4.2 Employees continue to accrue annual leave during sickness absence and may choose between taking paid holiday whilst off sick and saving it to take upon return to work.

Sickness whilst on annual leave

- 4.3 Where an employee becomes unwell whilst on annual leave the Council will consider requests for the appropriate period of annual leave to be converted to sickness absence and the annual leave re-credited.
- 4.4 The employee will be required to obtain documentary evidence of their illness from their GP or an appropriate medical professional. Such situations cannot be self-certified.
- 4.5 Where there is a cost associated in obtaining documentary evidence it will be paid for by the employee who may reclaim via the Council's expenses system. A receipt will be required.

Sickness prior to starting a pre-booked holiday

- 4.6 Where an employee becomes unwell prior to starting a pre-booked holiday they may reschedule that leave and take it at a later date, which should be no more than 3 months following return to work.

Requesting annual leave whilst absent long-term

- 4.7 Employees whose absence is long-term may wish to consider requesting taking some annual leave during their sickness absence, for example because they are receiving half pay or nil pay and where utilising annual leave would be of financial benefit. Any such requests must be requested of their manager in the usual way.

5 Return to Work

Return to Work Meeting

- 5.1 Upon return to work the manager should conduct a Return to Work Meeting as soon as possible, ideally at the beginning of the working day on which the employee returns to work.
- 5.2 Return to Work Meetings should be conducted regardless of the nature and duration of absence, including for part day absences.

- 5.3 The manager should prepare for the Return to Work Meeting by reviewing the employee's absence record which they can obtain by running a report from iTrent.
- 5.4 The purpose of the Return to Work Meeting is to:-
- welcome the employee back to work, emphasising the value of the employee to the Council
 - ensure that the employee is fit for work
 - consider any medical advice e.g. Fit Note or OH report
 - ascertain whether there are any underlying problems which might have caused or contributed to the absence
 - discuss the employee's sickness absence record during the last 12 months if appropriate
 - discuss the impact the employee's absence had on service delivery and colleagues
 - agree a Return to Work Plan including any temporary adjustments in hours or duties
 - remind the employee of the support available from the Council's Employee Assistance Programme provider
 - consider whether a Display Screen Equipment (DSE) or any other Risk Assessment is required
 - consider whether a Personal Emergency Evacuation Plan is required
 - consider whether a referral to Occupational Health is required
 - complete the Self Certification Form, if appropriate
 - collect any outstanding Fit Notes if appropriate
 - update the employee on workplace developments during their sickness absence

Temporary adjustment in hours or duties (a Return to Work Plan)

- 5.5 A return to work on temporarily adjusted hours or duties should be considered by the manager in order to facilitate the employee's return to work, even where this has not been advised by their GP on a Fit Note.
- 5.6 Any such arrangements should be reviewed at least fortnightly and should be expected to last a maximum of 3 months.
- 5.7 Normal salary will be paid for hours worked and the employee should record any deficit on their time recording portal as sickness absence on a daily basis.
- 5.8 The manager should send the Self-Certification Form and Return to Work Meeting form to Human Resources in a confidential manner.

Concerns in relation to the level of sickness absence

- 5.9 Where there are concerns in relation to the level of sickness absence, guidance can be found in the Council's Managing & Supporting Attendance Policy & Procedure.

Tailored Adjustment Agreement

5.10 In cases of a return to work from long-term absence and / or where the employee is likely to have a disability as defined by the Equality Act 2010, it might be beneficial for the employee and their manager to agree a Tailored Adjustment Agreement. This is a live record of the agreed reasonable adjustments. Further advice can be obtained from Human Resources.

Absence due to mental ill health

5.11 Where the employee has been absent due to mental ill health, the manager may wish to consider asking the employee to complete the return to work / stress questionnaire designed by the Health & Safety Executive (HSE).

5.12 The questionnaire covers the following six key areas of work design that, if not properly managed, are associated with poor health, lower productivity and increased incident and sickness absence.

- Demands: workload, work patterns and the work environment
- Control: how much say the employee has in the way they do their work
- Support: including encouragement and resources
- Relationships: including positive working to avoid conflict and dealing with unacceptable behaviour
- Role: understanding of their role and whether the employee has conflicting roles
- Change: how organisational change is managed and communicated

5.13 Following completion of the questionnaire, the manager and employee should agree an action plan which should be reviewed on a regular basis. Further advice can be obtained from Human Resources.

6 Absence recording

6.1 The manager is responsible for closing the absence on iTrent on the day when the employee returns to work, ensuring that the reason for absence is accurate.

6.2 The employee should update their time recording portal for each day of their sickness.

Medical Appointments

6.3 For details of the policy related to medical and dental appointments please see the Flexible Working Hours Policy.

Access to Medical Reports

6.4 In certain circumstances the Council may wish to obtain a medical report from an employee's GP or other medical professional such as hospital consultant.

6.5 Full details can be found in the Managing & Supporting Attendance Policy & Procedure.

7 Sick Pay

7.1 Sick pay is made up of two elements - Statutory Sick Pay and Additional Sick Pay.

Statutory Sick Pay (SSP)

7.2 SSP is a minimum weekly payment which employers must pay to qualifying employees from the fourth day of absence for a maximum period of 28 weeks. Employees who are not entitled to SSP or who have exhausted their entitlement may be eligible to Employment & Support Allowance subject to qualifying criteria which includes earnings.

Additional Sick Pay

7.3 Additional Sick Pay is pay over and above SSP. There is a qualifying period for Additional Sick Pay which is determined by length of continuous service.

7.4 Eligibility to Additional Sick Pay is based on the employee's continuous service on the first day of absence and the total absences due to illness in the twelve months immediately preceding the first day of absence.

7.5 Eligibility does not increase where an employee's continuous service increases during their sickness absence.

Continuous Service	Full Pay	Half pay
During the first 4 months of service	One month	
During the next 8 months of service	One month	Two months
During the 2nd year of service	Two months	Two months
During the 3rd year of service	Four months	Four months
During the 4th year of service	Five months	Five months
During the 5th year of service	Five months	Five months
After 5 years of service	Six months	Six months

"One month" shall be deemed to be equivalent to 22 working days for full time and pro-rated for part time staff.

Full pay: includes the SSP payment

Half pay: in additional to SSP payment (provided the total does not exceed full pay)

Nil pay: SSP only unless eligibility to SSP has ceased

Further information can be obtained from Payroll on an individual basis.

- 7.6 Eligibility to Additional Sick Pay can be extended on an exceptional and discretionary basis by the Head of HR & Customer Services.
- 7.7 Additional Sick Pay may not be paid in cases where sickness absence results from active participation in sport as a professional nor in a case in which the absence arises from or is attributable to the employee's own misconduct or failure to follow Council policies and procedures.
- 7.8 Where an employee sustains an injury in the workplace which is not their fault, any resultant sickness days will not be counted as part of this scheme.

Bank Holidays

- 7.9 Employees will receive payment for any bank holidays which fall during their sickness absence. This will be at either Full Pay or Half Pay, in line with their eligibility to sick pay.
- 7.10 Where an employee has exhausted their entitlement to Additional Sick Pay, they will receive SSP only for bank holidays unless they have exhausted their entitlement to SSP.
- 7.11 Where a bank holiday falls during a period of sickness absence the employee will not receive corresponding time off in lieu.

8 Victims of crimes of violence

- 8.1 Where an employee is absent from work as a result of a physical or mental injury for which they were the blameless victim of a violent crime, the employee is, in some circumstances, eligible to submit a claim to the Criminal Injuries Compensation Authority (CICA).
- 8.2 Where this is the case, the employee will receive sick pay in the usual way and they will not be required to refund any proportion of sick pay in relation to the incident from the monies received in the CICA award.
- 8.3 Where an award has been made by the CICA, the Council will consider discounting wholly or in part any periods of sickness absence resulting from the injury in calculating the employee's sick pay.

9 Absence following an accident

- 9.1 In some circumstances where an employee is absent from work following an accident they may be expecting to receive damages from a third party. The Council may make a payment to the employee equivalent to their entitlement to sick pay and the employee will agree to refund this amount to the Council in full or in part, following receipt of payment for damages.
- 9.2 Where the employee refunds the amount in full, the corresponding period of sickness absence will not be recorded as such and will not therefore form part of any calculation of sick pay.

9.3 Where the employee refunds the amount in part only, the Council may at its discretion decide the way in which the corresponding period of sickness absence is recorded.

10 Elective Surgery

10.1 Elective surgery is any procedure which is not strictly necessary for medical or psychological reasons. As such, any absences for surgery / treatment and the recovery period should be taken as annual leave.

11 Confidentiality

11.1 All information about an employee's sickness is confidential and must be treated with sensitivity and in accordance with the General Data Protection Regulations (GDPR)

11.2 Everyone involved in the management or monitoring of sickness absence has a responsibility to maintain confidentiality of the information they are processing.

11.3 Any documentation related to sickness absence which is sent in the post should be done so in a confidential manner.

12 Unauthorised Absence

12.1 The Council may consider taking formal action under the Disciplinary Procedure and / or withhold sick pay for any period of unauthorised absence. This includes:-

- failure to follow sickness absence reporting procedures
- failure to provide a Fit Note
- falsification of sickness
- lateness

Managing and Supporting Attendance Policy and Procedure

1 INTRODUCTION

- 1.1 The Council is committed to protecting the health and welfare of its employees and to the management of attendance in a sensitive, fair, supportive and consistent way.
- 1.2 A high level of attendance is important for organisational productivity, to support the residents of the borough and ensure reasonable workloads for all employees.
- 1.3 An integral part of the policy is the duty of care we have for our employees and the need to provide appropriate levels of support in cases of physical and mental ill health.
- 1.4 The policy enables managers to support employees in improving their attendance and sets out the steps that should be taken if an employee's level of attendance falls below the standard expected by the Council.
- 1.5 This will contribute to the creation and maintenance of a healthy workforce and the reduction of sickness absence in the Council.
- 1.6 This policy should be read in conjunction with the Sickness Policy and Procedure.

2 MANAGING RECURRING SICKNESS ABSENCE

- 2.1 Recurring periods of sickness absence may be self-certified or be covered by a Fit Note from the employee's GP or a Hospital Inpatient Certificate.

3 Monitoring of absence

- 3.1 It is the responsibility of the manager to monitor sickness absence and this forms part of the Return to Work meeting. Managers are able to access the absence history for their team members on iTrent.
- 3.2 Human Resources will also monitor recurring sickness absence and will proactively offer support to managers where an employee has 5 or more spells of absence and / or 10 working days' absence. I.e. a Bradford Factor of 250.

The Bradford Factor

- 3.3 The Council uses the Bradford Factor system in order to analyse the level of sickness absence. The Bradford Factor is a simple formula that allows managers to apply a relative weighting to employee sickness absence and supports the principle that repeated absence has a significant operational impact.
- 3.4 The Bradford factor is calculated using the formula $S \times S \times D$ where:-
- S is the total number of spells of absences in the rolling year
 - D is the total number of days' absence in the rolling year
- 3.5 When an employee has a Bradford Factor of 250 or more, it is not an indication that the manager is required to take automatic action. Rather, it is a trigger for the manager to conduct a review of the employee's attendance, with due regard to the employee's individual circumstances.
- 3.6 For example if an employee had 5 spells of sickness absence and a total of 10 days off they would have a Bradford Factor of 250 ($5 \times 5 \times 10 = 250$); whereas if an employee had 1 spell of sickness absence lasting 10 days their Bradford Factor would be 10 ($1 \times 1 \times 10 = 10$).
- 3.7 Where Occupational Health have advised that the employee is likely to have a disability as defined by the Equality Act 2010 consideration will be given to adjusting any Bradford Factor triggers as a reasonable adjustment.

4 Reviewing Frequent Recurring Sickness Absence

- 4.1 The primary concern of the Council is to support employees who are experiencing mental or physical ill health. However, the Council is additionally required to provide good attendance levels to ensure effective delivery of its' services and reasonable workloads for all employees.
- 4.2 Where an employee's level of attendance reaches a Bradford Factor of 250 or more, the manager will discuss the matter with the employee at an Informal Review Meeting. This discussion could take place as part of a Return to Work meeting.

Informal Review Meeting

- 4.3 The discussion will focus on: -
- the reasons for absence
 - whether there is any trend or pattern of absence
 - exploration of any work, welfare or domestic issues
 - the likelihood of a recurrence
 - the impact the employee's attendance level has on service delivery & colleagues
 - whether workplace adjustments are required

- support that the manager can provide
- whether it would be beneficial to obtain expert medical advice via a referral to Occupational Health
- signposting the support available from the Council's Employee Assistance Programme provider

Equality Act 2020: considerations and support from Human Resources

- 4.4 When analysing an employee's sickness absence record, particular care should be exercised when an absence is related to a protected characteristic as defined by the Equality Act 2010, such as disability, pregnancy, IVF, menopause or gender reassignment. Advice can be obtained from HR as to whether these absences should be discounted for the purposes of the review or whether the Bradford Factor trigger should be adjusted.

Workplace adjustments

- 4.5 Workplace adjustments may allow any employee to return to work sooner than they would otherwise have returned or to allow an employee to sustain a return to work / improvement in their attendance. An adjustment can be anything which removes an identified barrier to returning to work or staying in work. Examples include a phased return to normal duties / hours, returning to alternative duties or provision of specialist equipment, furniture, training or assistance.

Referral to Occupational Health

- 4.6 The role of Occupational Health is to provide advice to managers on how a medical condition may affect an employee at work or affect their ability to attend work or return to work.
- 4.7 Occupational Health referrals can take place at any point during sickness absence, for example after an informal review meeting, where the employee provides new medical information from their GP or Health Specialist and it is unclear how this might affect their work or absence or as part of ongoing attendance management and support.
- 4.8 A referral to Occupational Health can be made even when an employee is not absent from work but where there are concerns in relation to their health and / or the ability of the employee to perform their duties safely.
- 4.9 Specific advice which could be requested of Occupational Health includes:-
- establishing whether there are any underlying issues which are contributing to the employee's absence
 - assessing the employee's fitness for work
 - assessing the likely length of sickness absence
 - provision of advice on workplace adjustments, such as hours or duties
 - any other support which the Council could provide to facilitate a return to work and / or reduce further sickness absence

- whether the employee is likely to have a disability as defined by the Equality Act 2010.
- 4.10 The employee will be made aware of the referral and a copy of the referral form sent to them.
- 4.11 Following an Occupational Health appointment, a report will be sent back to the referring manager. The manager will discuss the report with the employee, supported by HR where required.
- 4.12 Where there is a difference in opinion on fitness for work between an employee's GP and an Occupational Health Physician (OHP) the opinion of the OHP will take precedence.
- 4.13 Reasonable expenses occurred by the employee in attending an OH appointment will be reimbursed by the Council through the expenses system.
- 4.14 Employees are strongly encouraged to attend Occupational Health appointments. Where an employee declines to do so their absence will continue to be managed based on the information available, which may then not include important medical advice.

Equality Act 2010

- 4.15 Where Occupational Health have advised that it is likely that the employee has a disability as defined by the Equality Act 2010 the Council has a legal duty to make reasonable adjustments.
- 4.16 Reasonable adjustments can include physical adaptations to workplaces, adjusted duties, adjusted attendance targets within an Attendance Improvement Plan, ability to attend additional medical appointments, time off to attend counselling sessions and other adjustments as advised by occupational health.
- 4.17 The employee may also be eligible to assistance from Access to Work if they need an aid, adaptation or support to do their job. It is the responsibility of the employee to submit an online application to Access to Work, appropriately supported by HR.
- 4.18 It is not the role of Access to Work to give an opinion on whether or not an individual is covered by the Equality Act 2010 for reasons of disability and the approval of a grant will not mean that the employee is considered to be covered by the Equality Act 2010.
- 4.19 Further information on the support provided by Access to Work and the process for applications can be found on the Intranet and advice can be obtained from Human Resources.

Outcome of the Informal Review Meeting

4.20 The discussion at the Informal Review Meeting will enable the manager to determine, based on the individual circumstances, how to proceed:-

- No further action at present
- Set an Attendance Review Period

Attendance Review Period

4.21 The purpose of the Attendance Review Period is to support the employee in improving their attendance.

4.22 The manager will ensure that the employee understands what improvement in attendance is required, over what time period and how attendance will be reviewed.

4.23 In most circumstances the level of improvement required in the review period will be no more than 2 absences, totalling no more than 3 days. Managers may seek to agree other objectives during the Attendance Review Period, such as encouraging the employee to access support from a medical professional or counselling services.

4.24 The period set for reviewing attendance needs to be sufficiently long to allow for improvement, to a maximum of 3 months and taking into consideration the employee's individual circumstances.

4.25 The manager will ensure that the employee understands that if their attendance does not sufficiently improve, or if improvement is not maintained, a Formal Attendance Review Meeting will be held.

4.26 A record of the points raised and actions arising from the meeting will be confirmed in writing to the employee in the form of a file note or letter; a copy will be placed on the employee's personal file.

4.27 Throughout the Attendance Review Period regular meetings should take place between the manager and employee, usually on a monthly basis. During these meetings the manager and employee will continue to discuss attendance levels and the support provided to the employee. At the end of the Attendance Review Period, or earlier if required, the manager will meet with the employee in order to assess the level of improvement in their attendance.

Outcome of the Attendance Review Period

4.28 Possible outcomes include:-

Improvement level	Action
Sufficient improvement achieved	End of Attendance Review Period
Some improvement	Extension of Attendance Review Period
Insufficient or no improvement	Formal Attendance Management Hearing

Formal Attendance Management Hearing

4.29 Managers considering progression to a Formal Attendance Management Hearing should have followed the Sickness policy in full, including being able to demonstrate at the Hearing that they have considered all available options and taken all reasonable steps to support the employee in the improvement of their attendance.

Notifying the Employee

4.30 The employee will be notified at the earliest opportunity that a Formal Attendance Management Hearing will take place and a copy of this procedure provided and explained to them.

Collation of Information

4.31 The manager will collate relevant information, appropriately supported by a member of the Human Resources team. The information collated should include all information available in relation to the employee's attendance and health, including the actions that have been taken and support provided during the Attendance Review Period.

Up to Date Medical Information

4.32 An up to date report from Occupational Health is likely to be required in order to understand the current position in relation to the employee's health, including any underlying health conditions, treatment programmes, prognosis for an improvement in attendance and any additional workplace adjustments which could improve attendance. Where necessary, the employee will be referred to Occupational Health in order to ensure that the Council is in possession of the most up to date medical advice at the Hearing.

4.33 The Council may also ask the employee's GP or medical specialist to provide a medical report. (See "9. Access to Medical Reports Act 1988") page 20

Other Information

- employee's sickness absence record
- return to Work Meeting notes
- dates, notes and outcomes from previous meetings with the employee about their attendance including during the Attendance Review Period
- notes of any actions agreed between the manager and employee
- associated documentation such as reports from Occupational Health and Fit Notes from the employee's GP or other medical professional
- details of support provided, such as adjusted duties, hours or working pattern

Management Report

- 4.34 The manager will compile a report, based on the information collated (above). Also included in the report should be details of the impact that the employee's absences have had on the workplace, specifically: -
- the impact on workloads
 - cover arrangements
 - effect on service delivery
- 4.35 Where the Occupational Health have advised that the employee is likely to have a disability as defined by the Equality Act 2010, particular reference will be included in the report to any recommendations and implementation in relation to reasonable adjustments.

Appointment of a Chair for the Hearing

- 4.36 Wherever possible the appointed Chair should not have detailed knowledge of the matter so that the Hearing is chaired impartially.

Notification of Formal Attendance Management Hearing

- 4.37 The manager, supported by HR, will write to the employee requiring them to attend a formal Attendance Management Hearing. The employee will be given at least 7 calendar days' notice of the Hearing.
- 4.38 The employee will be provided with a copy of the Management Report and this Policy & Procedure.

Right of Accompaniment / Representation

- 4.39 The employee will be reminded of their right to be accompanied by a workplace colleague or trade union official (if they are a member).
- 4.40 Further information can be found below (see "*Representation*")

Presentation of Evidence

- 4.41 The employee will also be advised that they have the right to present evidence; any documentation should be submitted to the manager and Chair prior to, and where possible, 3 working days in advance of the hearing.

Purpose of the Hearing

- 4.42 The purpose of the Hearing will be to understand:-
- the nature of the unsatisfactory attendance
 - the support provided to the employee including workplace adjustments
 - up to date advice from Occupational Health
 - the impact on service delivery and colleagues
 - any other circumstances to be taken into account e.g. personal issues

Format of the Hearing

- 4.43 At the hearing the Chair will invite the manager to summarise the information in the Management Report and will then invite the employee to respond and to ask any questions. The employee will also have the opportunity to present any mitigating circumstances where appropriate.
- 4.44 The Chair will give special attention to the up to date advice from Occupational Health.
- 4.45 In the event that Occupational Health have advised that the employee is likely to have a disability as defined by the Equality Act 2010, the Chair will specifically address whether reasonable adjustments have been implemented in accordance with medical advice.
- 4.46 The Chair will adjourn the meeting to consider the evidence that has been presented and, with appropriate support from HR, will determine what action needs to be taken. The Hearing will be re-convened to inform the employee of their decision including details of the duration of any sanction and the employee's right to appeal.

Representation

- 4.47 Employees have the right to be accompanied by a workplace colleague or trade union official (if they are a member) at all stages of the formal procedure.
- 4.48 The right to be accompanied does not extend to the informal stages of this policy unless associated meetings are held with more than one manager.
- 4.49 Attendance Management Hearings will not be unduly delayed due to the non-availability of a representative. Any proposal to postpone a hearing to an alternative time due to non-availability of a representative must be both reasonable and the proposed time must not be more than ten working days after the date originally proposed.
- 4.50 The role of the representative is to support the employee for the Hearing. This may be in gathering information, providing moral support and asking questions on the employee's behalf. At the Attendance Management Hearing the representative may either present the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the hearing, or support the employee whilst they present their case. The representative does not, however, have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it, or prevent the employer from explaining their case.
- 4.51 The statutory right to be accompanied applies specifically to hearings which could result in the administration of a formal warning, dismissal or other action short of a dismissal or confirmation of a warning issued.

Outcome of the Formal Attendance Management Hearing

4.52 Sanctions may be awarded as follows:-

Stage	Description	Duration*	Chaired by
Level 1	First warning & Attendance Improvement Plan	6 months	Senior manager
Level 2	Final warning & Attendance Improvement Plan	12 months	Head of Service
Level 3	Dismissal on the grounds of Capability or other sanction short of dismissal e.g. redeployment		Independent Head of Service

*this indicates the duration that the warning will remain current

4.53 The manager listed in the fourth column indicates the minimum level of authority to issue the warning shown in the second column. Managers more senior to those identified, including the Chief Executive and Directors, may issue the sanctions specified.

4.54 Depending upon the facts of the case any level of sanction may be issued i.e. a first warning does not always have to be issued prior to a final warning if the facts of the case warrant a higher level of sanction. If an employee's level of attendance is sufficiently unsatisfactory, it may be appropriate to move directly to a final warning or dismissal or other sanctions short of dismissal.

Warnings

4.55 All warnings should be confirmed in writing within 5 working days of the hearing.

4.56 Where a first written warning or final written warning has been issued, the manager will compile an Attendance Improvement Plan, based on the decisions made by the Chair at the Hearing as to the appropriate levels of improvement required. The Attendance Improvement Plan will outline the support the manager will provide and the level of attendance that the employee is expected to achieve, which will usually be no more than 2 spells of absence, totalling no more than 3 days in any three-month period.

4.57 The employee should be informed how long the warning will remain current, the consequences of failure to meet the objectives of the Attendance Improvement Plan within the set period, together with information on the right of appeal.

4.58 During the review (warning) period, the manager will be responsible for the provision of ongoing support to the employee and the monitoring of the objectives in the Attendance Improvement Plan.

Outcome of the Formal Review (Warning) Period

4.59 A review meeting will be held at the end of the review (warning) period.

- 4.60 If the employee has met the objectives of the Attendance Improvement Plan, written records of the warning will be deemed to have lapsed and disregarded for the purposes of this Policy and Procedure.

Failure to Improve Attendance during the Review (Warning) Period

- 4.61 Where there are concerns that the employee is not meeting the objectives of the Attendance Improvement Plan at any point during the warning period, the employee will be required to attend a further hearing in accordance with this procedure, depending on the circumstances of the case.

Dismissal

- 4.62 Dismissal will be a last resort and will only occur where the Chair is satisfied that the employee has been provided with appropriate support and that despite this their attendance remains detrimental to the delivery of service to the Council's customers and / or to other members of staff.
- 4.63 Dismissals on the grounds of ill health are for reasons of Capability, as defined by the Employment Rights Act 1996 s98. Capability in this context can be defined as the ability of the employee to attend work and perform their duties.
- 4.64 Where the Chair determines that the sanction should be dismissal, this should be confirmed in writing within 5 working days and set out the reasons for dismissal, the date on which the employee's contract terminates, the appropriate period of notice (or pay in lieu of notice) and information on the right of appeal.

Sanctions Short of Dismissal

- 4.65 The Chair may determine that, as an alternative to dismissal, the sanction should be that the Council seeks to identify suitable redeployment opportunities. Further information on Redeployment can be found at "5. Redeployment on Medical Grounds" page 17)

5 Employee Rights

Reasonable Adjustments during the Process

- 5.1 Where Occupational Health have advised that the employee is likely to have a disability as defined by the Equality Act 2010 the Council will ensure that reasonable adjustments are made throughout the Procedure where appropriate and seek the advice of Occupational Health where required.

Inability to Attend a Hearing

- 5.2 Where an employee is unable to attend a hearing due to ill health the Council may defer the hearing or decide that it is appropriate for the hearing to go ahead in the absence of the employee. Where this is the case the employee will have

the opportunity to submit written representation for consideration at the hearing.

Non-attendance at Hearing without good reason

- 5.3 Where an employee does not attend a hearing without good reason, a decision may be taken in their absence, based on the information available, which may result in a formal warning or dismissal as appropriate.

Right of Appeal

- 5.4 The employee has the right of appeal at every stage of the formal process.
- 5.5 The employee must submit their appeal in writing, within 21 days of the date of the letter confirming the outcome. Letters of appeal should be sent to the Head of HR and Customer Services, stating clearly the grounds for appeal. Appellants must be advised to consult with their trade union (if a member) or workplace colleague.
- 5.6 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.
- 5.7 Appeals against warnings will be chaired by an independent Head of Service and wherever possible the manager hearing the appeal will not have been previously involved in the case.
- 5.8 Appeals will be heard without unreasonable delay and normally within eight weeks of the original hearing. The employee should receive written confirmation of the arrangements at least 7 days in advance of the hearing.
- 5.9 Employees should submit any documentation to the Chair prior to, and where possible 3 working days in advance of, the hearing.
- 5.10 Witnesses should be used where relevant and should only be present at the appeal hearing to give evidence and be questioned. Details of proposed witnesses should be communicated to both parties and where possible 3 working days in advance of, the hearing.
- 5.11 At the hearing the Chair will invite both parties to present their case, call any witnesses and ask and answer any questions related to the disciplinary matter including information presented by witnesses. Further guidance regarding the format of formal hearings can be found on the Human Resources section of the intranet.
- 5.12 The Chair will adjourn the meeting to consider the appeal evidence that has been presented and, with appropriate support from HR, will determine what action needs to be taken. The hearing will be re-convened to inform the employee of their decision.

- 5.13 In cases of dismissal or other sanctions short of dismissal where the appeal is to be heard by the Appeals Committee, a meeting of the Appeals Committee will be arranged in accordance with the Council's normal procedure as soon as is practicable. Further information regarding the Appeals Committee can be found on the Human Resources section of the intranet.

6 MANAGING LONG TERM ABSENCE OR CHRONIC ILLNESS

- 6.1 There may be times when an employee has either a chronic medical condition or physical or mental ill health causing them to be consistently absent from work for long periods of time.
- 6.2 Long term absence is defined as a consistent period of absence of 28 calendar days or greater.

Management contact & support

- 6.3 Employees absent from work will be fully supported by their manager, who will maintain regular contact throughout their absence as required by the Sickness Policy & Procedure. Frequent dialogue should take place to allow options to be explored throughout a long term absence, particularly when a medical condition improves and a return to work becomes more likely.

HR advice & support

- 6.4 Where an employee is absent due to illness for 28 days, or where it is anticipated that their absence will be of this duration, the manager will seek advice and support from Human Resources.

Occupational Health

- 6.5 In most cases the employee will be referred to Occupational Health for specific advice as to fitness for work and workplace adjustments. (See "*Referral to Occupational Health*" page 3)

Medical Reports

- 6.6 The Council might also make contact with the employee's GP or medical specialist to request the provision of a medical report. For further information see "*9. Access to Medical Reports*" page 20

Equality Act 2010

- 6.7 Where Occupational Health have advised that it is likely that the employee has a disability as defined by the Equality Act 2010 the Council has a legal duty to make reasonable adjustments. (See "*Equality Act 2010*" page 4).

Absence Review Meetings

6.8 Absence Review Meetings will usually take place after 3, 6 and 9 months, depending on the individual circumstances.

Absence Review Meeting 1: usually after 3 months' absence

6.9 After 3 months' absence there is likely to be a clearer picture of the longer-term prognosis and the capability of the employee to return to their normal duties or to alternative work.

6.10 At this stage, the manager will hold an Absence Review Meeting with the employee. HR will also be present in order to provide advice and support.

6.11 The discussion will include:-

- an explanation of this policy & procedure
- an update on current health & the level of recovery since the start of absence
- discussion on the likely duration of absence
- discussion on the most recent Occupational Health advice and any medical reports
- consideration of whether there are any workplace adjustments which could facilitate a return to work, such as a temporary adjustment in hours or duties
- discussion as to whether it is appropriate to consider Ill Health Retirement, taking into account the stringent criteria of the Local Government Pension Scheme (LGPS)
- an opportunity for the employee to raise any difficulties or concerns
- agreeing any actions, including the provision of support from the Council's Employee Assistance Programme provider
- agreeing when the next Informal Review Meeting will take place, which will usually be in a further 3 months if the employee has not returned to work by that time.

6.12 The employee will be provided with the notes and confirmation of what was discussed at the meeting and the manager will continue to maintain regular contact with the employee and provide ongoing support.

Absence Review Meeting 2: usually after 6 months' absence

6.13 Where an employee has been absent for 6 months, a further referral will be made to Occupational Health in order to obtain up to date medical advice as required.

6.14 A further Informal Review Meeting will then be held, in the same format as for the 3 month Review Meeting above.

6.15 The employee will be provided with the notes and confirmation of what was discussed at the meeting and the manager will continue to maintain regular contact with the employee and provide ongoing support.

Absence Review Meeting 3: usually after 9 months' absence

- 6.16 Where an employee has been absent for 9 months, a further referral will be made to Occupational Health in order to obtain up to date medical advice as required.
- 6.17 A further Informal Review Meeting will then be held, in the same format as above.
- 6.18 The discussion will focus particularly on:-
- up to date advice from Occupational Health on prognosis and workplace adjustments
 - whether Ill Health Retirement has been fully explored
 - whether Redeployment to an alternative post has been fully explored
 - the impact on workloads, cover arrangements and the effect on service delivery
 - the possible progression to a Formal Hearing and its potential outcomes.
- 6.19 The employee will be provided with the notes and confirmation of what was discussed at the meeting and the manager will continue to maintain regular contact with the employee and provide ongoing support.

Potential Outcome of Absence Review Meeting 3

- 6.20 Unfortunately, in some cases there is insufficient improvement to an employee's health which can lead to the position where the Council is unable to sustain the employee's level of absence. In other cases, medical advice may be received to suggest that an employee will never return to their role, or that timescales for a return are not known.
- 6.21 Normally this position will have been reached following a reasonable period of time to allow for recovery and improvement and having explored various options to support or facilitate a return to work in some capacity.
- 6.22 Where all reasonable workplace adjustments and other options have been exhausted (such as Ill Health Retirement and Redeployment) and there is no reasonable prospect of an imminent return to work a Formal Attendance Management Hearing will be arranged.
- 6.23 Managers considering progression to a Formal Attendance Management Hearing should have followed the Sickness policy in full, including being able to demonstrate at the Hearing that the manager has considered all available options and taken all reasonable steps to support the employee back to work
- 6.24 The hearing would be the final stage in the management of long-term absence. Dismissal on the grounds of ill health (Capability) is a possible outcome. Unlike in some cases of short-term absence, there will not have been a series of formal meetings and possible formal warnings

Notifying the Employee

6.25 The employee will be notified at the earliest opportunity that a Formal Attendance Management Hearing will take place and a copy of this procedure provided and explained to them. It will also be explained that dismissal on the grounds of ill health (Capability) is a possible outcome.

Collation of Information

6.26 The manager will collate relevant information, appropriately supported by a HR. The information collated should include all information available in relation to the employee's attendance and health, including the actions that have been taken, support provided and other options which have been explored, such as Redeployment and Ill Health Retirement.

Up to Date Medical Information

6.27 An up to date report from Occupational Health is likely to be required in order to understand the current position in relation to the employee's health, including an update on their underlying health condition, treatment programmes, prognosis for an improvement in attendance and any additional workplace adjustments which could improve attendance. Where necessary, the employee will therefore be referred to Occupational Health in order to ensure that the Council is in possession of the most up to date medical advice at the Hearing.

6.28 The Council may also ask the employee's GP or medical specialist to provide a medical report.

6.29 Other Information

- employee's sickness absence record
- Return to Work Meeting notes if applicable
- dates, notes and outcomes from Review Meetings with the employee about their absence
- notes of any actions agreed between the manager and employee
- associated documentation such as reports from Occupational Health and Fit Notes from the employee's GP or other medical professional
- details of support provided, such as adjusted duties, hours or working pattern
- details of any consideration which has been given to options such as Redeployment and eligibility for Ill Health Retirement.

Management Report

6.30 The manager will compile a report, based on the information collated (above). Also included in the report should be details of the impact that the employee's absence has on the workplace, specifically: -

- the impact on workloads
- cover arrangements
- effect on service delivery

6.31 Where Occupational Health have advised that the employee is likely to have a disability as defined by the Equality Act 2010, particular reference will be included in the report to any recommendations and implementation in relation to reasonable adjustments.

Appointment of a Chair for the Hearing

6.32 The Chair of the Hearing will be an independent Head of Service who does not have detailed knowledge of the matter in order that the Hearing is chaired impartially.

Notification of Formal Attendance Management Hearing

6.33 The manager, supported by HR, will write to the employee with details of the formal Attendance Management Hearing. The employee will be given at least 7 calendar days' notice of the Hearing.

6.34 The employee will be provided with a copy of the Management Report and this Policy & Procedure.

Right of Accompaniment / Representation

6.35 The employee will be reminded of their right to be accompanied by a workplace colleague or trade union official (if they are a member). (See "Representation" on page 7)

Presentation of Evidence

6.36 The employee will also be advised that they have the right to present evidence; any documentation should be submitted to the manager and Chair prior to, and where possible, 3 working days in advance of the hearing.

Purpose of the Hearing

6.37 The purpose of the Hearing will be to understand:-

- the nature of the employee's absence
- the support provided to the employee
- whether Occupational Health have advised that the employee is likely to have a disability as defined by the Equality Act 2010
- advice on workplace adjustments and implementation
- considerations in relation to Redeployment
- considerations in relation to eligibility for Ill Health retirement
- up to date advice from Occupational Health
- the impact on service delivery and colleagues
- any other circumstances to be taken into account e.g. personal issues

Format of the Hearing

- 6.38 At the hearing the Chair will invite the manager to summarise the information in the Management Report and will then invite the employee to respond and to ask any questions. The employee will also have the opportunity to present any mitigating circumstances where appropriate.
- 6.39 The Chair will give special attention to the up to date advice from Occupational Health.
- 6.40 In the event that Occupational Health have advised that the employee is likely to have a disability as defined by the Equality Act 2010, the Chair will specifically address whether reasonable adjustments have been implemented in accordance with medical advice.
- 6.41 The Chair will also give particular scrutiny to consideration of options such as Redeployment or Ill Health Retirement, in order to ensure that they have been fully explored.
- 6.42 The Chair will also consider the impact that the employee's ongoing absence is having on service delivery and colleagues.
- 6.43 The Chair will adjourn the meeting to consider the evidence that has been presented and, with appropriate support from HR, will determine what action needs to be taken. The Hearing will be re-convened to inform the employee of their decision and the employee's right to appeal.

Representation

- 6.44 See "*Employee Rights*" page 10.

Outcome of the Attendance Management Hearing

Dismissal

- 6.45 Where the Chair is satisfied that:-
- the employee has been provided with adequate support
 - up to date medical evidence suggests that an imminent return to work is not likely
 - all workplace adjustments and advice from Occupational Health have been implemented wherever possible
 - options such as Redeployment and Ill Health Retirement have been exhausted
 - the employee's absence remains detrimental to the delivery of service to the Council's customers and / or to other members of staff
- 6.46 The Chair may determine that the employee will be dismissed from the Council's employment.

- 6.47 Dismissals on the grounds of ill health are for reasons of Capability, as defined by the Employment Rights Act 1996 s98. Capability in this context can be defined as the ability of the employee to attend work and perform their duties.
- 6.48 Where the Chair determines that the sanction should be dismissal, this should be confirmed in writing within 5 working days and set out the reasons for dismissal, the date on which the employee's contract terminates, the appropriate period of notice (or pay in lieu of notice) and information on the right of appeal.

Other options to be considered

- 6.49 Where the Chair is not satisfied that all appropriate action has been taken and other options explored, the Hearing can be adjourned in order for these actions to be taken and options reconsidered.
- 6.50 The Chair would advise of an appropriate period of time for this to take place, following which the Hearing would be reconvened for the further consideration of the Chair.

Employee Rights

- 6.51 See "*Employee Rights*" page 10.

7 EMPLOYEES WITH BOTH CONSISTENT LONG TERM & RECURRING ABSENCE

- 7.1 Occasionally an employee might reach triggers with a mixture of consistent long term and recurring / short-term absence.
- 7.2 An employee's Bradford Factor will be monitored throughout their absence and return to work. Appropriate management and support of attendance will be provided in accordance with this policy.

8 REDEPLOYMENT ON MEDICAL GROUNDS

Temporary Redeployment

- 8.1 Where the employee is on a phased return to work and temporarily re-deployed to a post with a lower salary, their salary will remain unaltered for a maximum period of three months whereupon an Attendance Review Meeting will be held.

Permanent Redeployment

- 8.2 Where the advice of Occupational Health is that the employee is likely to remain unfit to perform their contractual role for the foreseeable future, the employee will be considered to be "medically at risk", usually for a 3 month period, and consideration will be given to a permanent redeployment to an alternative post.

- 8.3 The manager, supported by HR, will have full discussions with the employee and their union representative, where a member, or workplace colleague.
- 8.4 Occupational Health will be asked to provide details of the employee's Functional Capacity i.e. what the employee can do, which will form the basis of the support provided to the employee in identifying suitable internal vacancies.
- 8.5 Consideration will also be given to any reasonable adjustments which can be implemented for a vacant post, such as amended hours.
- 8.6 The employee will submit their application for a vacant post and will receive priority consideration for the vacancy.
- 8.7 Consideration will be given to a trial period where applicable.
- 8.8 Where the employee is appointed to a post at a lower grade or decreases their working hours, salary protection would not apply.
- 8.9 All reasonable steps will be taken to facilitate the successful redeployment of the employee into the new post. Regular supportive review meetings will be held with the employee and their manager to discuss progress and training needs.

9 ILL HEALTH RETIREMENT

- 9.1 At any point during long term sickness absence, the Council may consider ill health retirement for qualifying members of the Local Government Pension Scheme (LGPS) where appropriate.
- 9.2 The Council will not proceed with Ill Health Retirement without first exploring a range of options to support the employee in returning to work, including supportive and recuperative workplace adjustments and redeployment, taking into account up to date medical advice from Occupational Health.

Eligibility

- 9.3 The employee must meet the required qualifying service in the LGPS; further details can be found on the Local Government Pension Scheme website, <https://lgpsmember.org>.

Criteria

- 9.4 To qualify for Ill Health Retirement, an independent doctor must certify that the member of the LGPS is permanently unable to perform their job until normal retirement age and not immediately capable of undertaking gainful employment.

Outline of the process

- 9.5 Where the employee meets the qualifying service in the LGPS and it appears from up to date medical advice that they might meet the criteria for Ill Health Retirement, the Council will refer the employee to an independent doctor, known as an Independent Registered Medical Practitioner (IRMP).
- 9.6 The IRMP will determine: -
- whether the employee is permanently incapable of performing their duties due to ill-health, and if so;
 - the tier of benefits which would apply.
- 9.7 The tiers are based on how likely it is that the employee will be capable of gaining employment after they have left.
- 9.8 Where the IRMP confirms that the employee meets the eligibility criteria for Ill Health Retirement (above), it is a decision for their employer as to whether to proceed with Ill Health Retirement.

Further information and support

- 9.9 Ill Health Retirement is a complex area; further information on eligibility, the ill health retirement process and the tier of benefits can be found on the Local Government Pension Scheme website <https://lgpsmember.org>. Information and support can also be obtained from HR.

10 TERMINAL ILLNESS

- 10.1 Where an employee has a terminal or life-limiting illness, the Council will provide the employee with support, ensuring that they are treated with dignity, respect and sensitivity.
- 10.2 The manager will maintain regular supportive contact as detailed in the Sickness Absence Policy.
- 10.3 Additional support is also available from the Council's Employee Assistance Programme Provider, who can be contacted on the Help Line for advice on medical, financial and legal matters as well as providing counselling support and provision.
- 10.4 Where a medical professional has confirmed that the employee will not be fit to return to work for the foreseeable future, the Council will seek to accommodate the wishes of the employee in the provision of the most financially advantageous arrangements for them.

11 CONFIDENTIALITY

- 11.1 All information about an employee's sickness is confidential and must be treated with sensitivity and in accordance with the General Data Protection Regulations (GDPR).

11.2 Everyone involved in the management or monitoring of sickness absence has a responsibility to maintain confidentiality of the information they are processing. Any documentation related to sickness absence which is sent in the post should be done in a confidential manner.

12 **ACCESS TO MEDICAL REPORTS ACT 1988**

12.1 There are times when it may be helpful for an employer to have medical information about an employee in supporting and managing their attendance. The Access to Medical Reports Act 1988 covers the legal requirements.

12.2 The Act states that an employer requires the consent of an employee prior to requesting a medical report from a doctor who has been responsible for their physical or mental care.

12.3 The Act also states that the employee is able to request to see the report before it is sent to an employer or they may decline to consent to this.

12.4 If an employee would like to see the report before it is sent to their employer, they must arrange this with the doctor within 21 days of the report being requested by the employer. The employee has the right to see the report up to six months after it is sent.

12.5 When an employee has viewed the report, their consent is required prior to the report being sent to the employer. The employee is able to request that the doctor amends any part of the report which they consider to be inaccurate or misleading. If the doctor does not agree to amend the report as requested, the employee is able to request that a written statement is added to the report, stating their views.

12.6 If an employee has consented to a medical report being supplied without seeing it and later changes their mind and wants to view the report, they can do this by making contact with the doctor. The employee then has 21 days from the date they notified the doctor in which to view the report.

Probation Policy

October 2020

Introduction

1. The Council is focused on delivering high quality services and therefore must maintain the highest standards of performance and conduct for its employees. The Council recognises that to achieve such standards employees must be properly supported when they commence employment.
2. It is the Council's policy to operate probationary periods for all employees who are new to the employment of Ashford Borough Council.
3. This policy will ensure that employees receive sufficient assistance, reasonable guidance and relevant training during their initial six months of employment; recognising that levels of support during this period will be higher than later, when they are more established in their role.
4. This policy and procedure should be used as a tool to ensure that employees are given every opportunity to prove their suitability for the post to which they have been appointed and also to provide adequate opportunity to ensure the post is suitable for them.
5. The procedure aims to provide clear and concise guidance for managers, and new employees regarding probationary period and equally enable line managers fully understand their responsibility during this period.
6. The probationary period offers the opportunity for the employee to understand what responsibilities and standards are expected, provides an opportunity to discuss performance, review strengths and areas for improvement and identify learning and development needs.

Scope

7. A **six month** probationary period will be applicable to all new appointments to the Council regardless of previous local government service.
8. Employees engaged on fixed term/temporary contract opportunities of more than six months are required to undertake a probationary period.
9. The policy will not apply to existing employees that are seconded, moved, promoted, assimilated or redeployed to a new post within the council.

Recruitment

10. All contracts of employment should clearly state that the first six months of the appointment will be treated as a probationary period, during which time the manager must ensure that the new employee has the appropriate induction and training in their new role.
11. Induction is an integral and essential part of the probation period. If we expect an employee to perform well they must be equipped to do so, be given clear instructions and given time to familiarise themselves with the organisation, their team, the systems and the ways of working. The manager should provide the necessary support to the employee to achieve this aim throughout the probationary period and beyond.
12. As part of the induction process managers should explain the purpose of probation periods and set specific objectives and learning points, based on the job description and person specification. The objectives set should be recorded in the **Offer Letter**.

Probationary Review Meetings

13. During the probation period, the line manager must regularly carry out a review of each new employee's performance.
14. Probation reviews should take place in the **second, fourth and sixth** months' of service. Additional review meetings may be arranged if required on a case by case basis. Normal one to one meetings can take place in months one, three and five.
15. The six month probationary period is a continuous period of support and review and the manager is responsible for ensuring that review meetings are carried out.

Introduction Meeting

16. On their first day of employment, or as soon as possible, the manager will meet with their new employee and ensure that:
 - a) The programme of induction that has been planned for the new employee is fully explained and responsibilities allocated.
 - b) The duties and responsibilities of the job are clarified and the required performance levels expected are clearly explained and understood.
 - c) Clear, specific and achievable objectives are set and documented.
 - d) The employee has reviewed and completed their new starter paperwork including their contract of employment, their job description, the conditions of service and all health and safety material.

- e) All training requirements are identified, provided or scheduled and a work buddy is assigned.

Probation Review Meetings

17. The line manager must conduct probation review in the **second, fourth and sixth** month of the new starter's employment as follows:

Two Months – First Review Meeting

18. At the end of the second month, a probation review meeting should be held between the manager and the employee to discuss the support that they have received so far. Examples of matters that will be discussed are;
- the employees understanding of the on-boarding material they have reviewed
 - the working relationships they have established
 - their understanding of their role and how it fits into the wider organisation
 - the systems that they use
 - the tools at their disposal
 - any training requirement that they have
 - any general questions or concerns that they need assistance with.

There may also be opportunity to discuss work performance, highlighting achievements and areas for development or improvement. The probation review form can be used as a guide for this meeting.

19. The probation review form will be shared with the employee to allow them an opportunity to add their own comments in to the sections provided.
20. In cases where performance (including conduct and attendance) is falling short of required expectations then this must be clearly explained to the employee together with what action is required to improve. This may include additional support or reasonable training requirements. The employee must also be made aware that by the end of the 6 month period a decision will be taken about their suitability for the post. In all cases of inadequate work performance, conduct or attendance, it is recommended that the employee is closely supervised and supported.

Four Months – Review Meeting

21. A further meeting should be held to discuss the employee's performance at the end of the fourth month. Where the probation period is proceeding satisfactorily, the employee should be informed of this and the probation review form completed accordingly.
22. If the employee's performance has not reached an acceptable standard, despite agreed training and support being completed, the employee will be advised of this situation. The employee will be given a clear explanation of how their performance,

conduct or attendance is not meeting the required standard. Managers will be required to set clear and specific targets for the employee, to be achieved within the month and arrange additional one to one meetings with the employee to review their progress.

Six Months – Final Review Meeting

23. At the end of the 6th month period, a probation review meeting should be arranged to review the employee's performance from the start of the probationary period using the review forms from months two and four, in addition to any other review meeting notes.
24. Prior to the final review the employee's line manager must consider whether the:
 - employee's probation has been successful
 - employee's probation period should be extended or
 - employee's contract should be terminated.
27. The final review must take place within at least one week of the employee having completed six months' service.
28. The employee's line manager must conduct the final review meeting.
29. The purpose of the final review is to assess the employee's progress over the whole of the probation period and to reach a decision as to whether the employee's probation period has been successful, whether the probation period should be extended or whether the employee should be dismissed.
25. If the manager considers that the employee's performance or conduct is unsatisfactory, they must write to the employee at least one week prior to the final review meeting to inform them in advance of the reasons why this is the case.
26. Where dismissal or an extension of the probationary period is contemplated, the manager must inform the employee that they have a right to be accompanied at the final review meeting by a trade union representative or work colleague, should they so wish.
27. If it is determined that the employees performance, attendance and or conduct has been unsatisfactory in the circumstances the employee will be served with their notice of termination of employment

Completion of the probationary period

29. If the manager considers that the employee's performance, conduct or attendance is satisfactory they should proceed with the final probationary review meeting.
30. If the employee's performance has reached the required standard, the manager will notify Human Resources and send all probation review sheets to human.resources@ashford.gov.uk to be saved in the employee's personal file.

31. The employee will be also be provided with copies of their probation review sheets. The 6 month review sheet will confirm successful completion of their probation period.
32. If applicable, the employee will receive a pay increment in the month that their probation is successfully completed or the following April, depending on the month their employment commenced, (see table below).

EMPLOYEE START DATE	PAY INCREMENT DUE (MONTH)
October – March	The first day of the month that their probation period is completed (not less than six months after the start date).
April – September	1 st of April of the following year

Extending Probationary Periods

35. A potential outcome of a Final Review Meeting may be the extension of a probationary period. The council reserves the right to extend an employee's probationary period at its discretion. This will be limited to one extension of up to **3 months**.
36. The extension of a probationary period may be applicable where reasonable adjustments or training are needed to enable the employee to adequately perform their role, or where there has been a long period of sickness or absence for either the employee or their line manager as a result of a temporary redeployment during a local or national crisis.
37. If an extension is applicable, this will be confirmed in writing to the employee detailing the length of the extension, reason for extension and the performance standards or objectives the employee is required to have achieved by the end of the extended probationary period.
38. An additional final review meeting will be arranged at the end of the extended probationary period. If the employee has not fully met the required standards by the end of the extended probationary period, their employment may be terminated.

Notice Periods

39. Employment may be terminated by the council or the employee, during the probation period by giving statutory notice, typically this is one week's notice. Continuous service with another authority will be taken into account when calculating notice periods.

Appeals

40. Employees have the right to appeal against a dismissal decision.
41. Employees must state their intention to appeal in writing within **5 working days'** of receiving their notice letter. Letters of Appeal should be sent to the Head of HR and Customer Services, stating clearly the grounds for appeal. Appellants are advised to consult with their trade union representative (if a member).
42. The appeal hearing must take place within **14 days** upon receipt of the notification of the intention to appeal, and will be chaired by the Head of Service. A HR Representative must be present at this meeting to advise.
43. In the event that the Head of Service has had prior involvements in the probationary assessment process, an independent Head of Service must be appointed to hear the appeal.
44. The employee should be given at least **5 working days'** notice of the appeal hearing, with details of the date and time, the purpose of the appeal hearing, the process to be followed and the right to be accompanied by a trade union representative or work colleague.
45. A management report along with other relevant documentations must be provided to all parties ahead of the hearing.
46. At the appeal hearing, the line manager and the employee will have the opportunity to present their case and call any witnesses.
47. It should be noted that the decision of the Hearing Officer is final and there is no further right of appeal.

Reasonable Adjustments

48. The manager should be particularly aware of the needs of employees with a disability and ensure that any required reasonable adjustments are put in place in good time.
49. If a disabled employee does not perform to the satisfactory standard during the six month probationary period, HR must be consulted for appropriate advice and guidance.
50. The Council has a legal obligation to ensure disabled employees are supported in overcoming the barriers they face in the workplace and therefore any recommendations for dismissal must be considered very carefully.

51. If a protected characteristic affects an employee's attendance levels during their probationary period this will be taken into account during the final review meeting

Representation

52. It is the council's view that the presence of a trade union representative or workplace colleague is not required at probationary review meetings.

53. The expectation is that such meetings should not be contentious in nature, but be open, constructive and supportive. Nevertheless, there may be circumstances where the presence of a trade union representative or workplace colleague will be helpful.

54. If the managers assessment of the employee's overall assessment indicates poor performance, particularly if an adverse recommendation is envisaged, then the employee may be accompanied by a work colleague or trade union representative, if they wish.

55. It would also be advisable, where appropriate, for a HR representative to attend meetings where either a trade union representative or work colleague is also present.

Exceptions to the policy

56. If an employee's employment is terminated after the expiry of the probationary period the organisation's normal capability/dismissal procedure must be followed in full.

57. It is the organisation's policy to allow the employee to complete the designated period of probation rather than terminating employment before the probation has come to an end. This is to give the employee a full opportunity to come up to the required standards. If, however, there is clear evidence prior to the end of the period of probation that suggests the employee is wholly unsuitable for the role, the line manager should consult Human Resources with a view to consider terminating the employee's contract early.

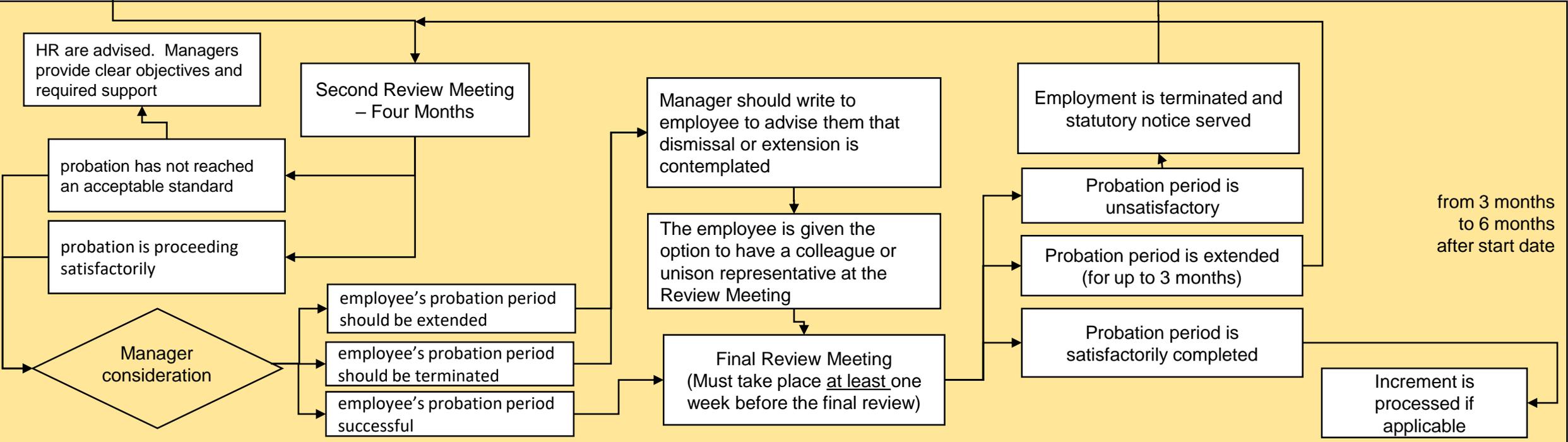
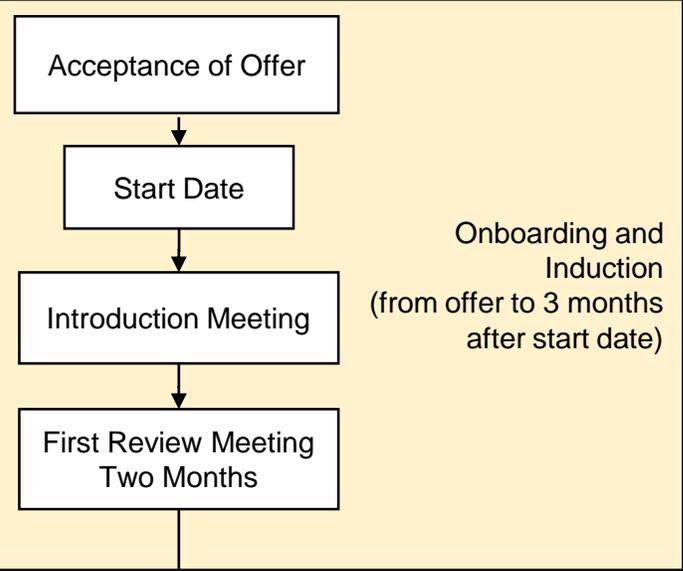
58. If, during an employee's probation, it is suspected or established that the employee does not have the qualifications, experience or knowledge that they claimed to have at the time of recruitment, the matter will be discussed with the employee to establish the facts. If the evidence suggests that the employee misrepresented their abilities in any way a final Probationary Review meeting will be arranged and the employee's employment may be terminated.

59. It is not recommended that employee's probationary periods are confirmed as successful prior to six months.

60. The following policies within the Conditions of Service are not applicable to an employee in their probationary period;

- Disciplinary Policy & Procedure
- Capability Policy Performance Management Policy & Procedure
- Attendance Management & Support Policy

Probation Policy



Sickness

If you are sick you must notify your supervisor or other line manager as soon as possible and try to give some indication of your length of absence.

When you return to work you must immediately complete the Sickness self certificate/Return to Work form even your absence is longer than 7 days and supported by a Statement of Fitness for Work. Your manager will meet with you and also sign this.

The provisions of the Council's Sickness Payments Scheme and calculations of the allowances due are set out [here](#).

Policy for Handling Sickness Absence

- [Notification by the employee](#)
- [What to do if you are off sick](#)
- [Contact upon return to work](#)
- [Returning to work](#)
- [Categories of sickness related absences](#)
- [Repeated absences](#)
- [Long term or chronic illness](#)
- [Redeployment](#)
- [Retirement](#)
- [Access to medical reports](#)
- [Sickness payments](#)

The Council is committed to the health and welfare of its employees and the management of sickness absence in a positive and sensitive manner. Absenteeism affects service levels, productivity, efficiency and morale and therefore the success of the Council. For this reason it must be managed effectively and this policy is intended to deal with absenteeism in a fair and consistent manner.

1 Notification by the employee

- 1.1 Employees are expected to notify their immediate manager by telephone as soon as practicable and ideally by 10.00am on the first day of absence, unless there are exceptional circumstances in which case they must ask someone else to telephone for them.
- 1.2 Employees should indicate how long they expect to be off work. For absences of one week or less the employee should keep the immediate manager

informed on regularly. It is important that employees keep their manager advised of their progress, any changes and expected length of absence so that appropriate cover can be arranged if necessary.

- 1.3 For absences longer than 7 calendar days, a doctor's Statement of Fitness for Work will be required from day 8. A self certification form must be completed for all absences, irrespective of their duration. The employee must complete this with their manager as part of the "return to work interview".
- 1.4 Where an initial doctor's Statement of Fitness for Work is obtained, the manager must be informed and the certificate either delivered or posted that day or as soon as possible.
- 1.5 Subsequent doctor's Statements of Fitness for Work must be submitted as appropriate and the manager informed of the date of return.
- 1.6 If an employee becomes ill whilst on holiday the employee absence will not be recorded as annual leave for the time they were certified as sick provided a Statement of Fitness for Work is provided. This may be paid for by the Council.
- 1.7 Employees who fail to provide a Statement of Fitness for Work or to keep their manager informed are liable to be marked absent without leave and their pay adjusted accordingly.

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2 What to do if you are off sick

- 2.1 You must notify your immediate line manager by telephone as soon as possible and ideally by 10.00am on the first day of sickness.
- 2.2 If you are going to be off work for a week or less you should keep your line manager informed regularly.
- 2.3 When you return to work you must complete a self-certification form (available on the intranet or My Portal) and return the completed form to payroll.
- 2.4 If you are poorly for longer than 7 calendar days you must have a Statement of Fitness for Work from day 8. You should inform your line manager and the certificate should be either delivered or posted that day or as soon as practical.
- 2.5 Subsequent Statements of Fitness for Work should be submitted as appropriate and your line manager kept informed of your progress.
- 2.6 If you are unfortunate enough to be ill whilst on holiday your absence will not be recorded as annual leave for the time they were certified as sick unless a doctor's certificate is provided.
- 2.7 Regardless of how long you have been off sick when you return to work you should meet with your line manager to discuss your absence. If your reasons for sickness are of a personal nature then you may elect to speak to someone in Personnel and Development instead.

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3 Contact upon return to work

- 3.1 When an employee returns to work, their manager will discuss their absence with them. The tone of this discussion would depend upon the frequency and seriousness of their absence and therefore sensitivity to the individual circumstances is critical.
- 3.2 This “return to work interview” is to:
 - Welcome the employee back to work;
 - Ensure that the employee is well;
 - To update them of any developments since being off sick;
 - Complete the self certification form together, or collect the Statement of Fitness for Work;
 - If appropriate discuss their sickness record during the last 12 months and
 - Express any concerns the manager may have.
- 3.3 Should these reasons be of a personal nature, the employee may elect instead to speak to someone in Personnel and Development in confidence or see Occupational Health.
- 3.4 If for any reason the manager is not satisfied that the absence is genuine, she/he will, in consultation with Personnel and Development, talk to the employee about their absence.

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4 Returning to work

- 4.1 In order to help the employee to return to work as soon as they are able, a return to work on a phased return to work may be considered and accommodated for a temporary period only. The immediate manager and employee should review this arrangement at least fortnightly. During a phased return, normal salary will be paid for hours actually worked and the remainder will be treated as sick leave unless there is no paid sick leave remaining, when it may be taken as annual leave. Any hours treated as sickness absence must be reported and recorded as such to payroll and ‘My Portal’ (where applicable).

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5 Categories of sickness related absence

- 5.1 Since no two cases will be exactly the same, and the circumstances will vary considerably, management discretion will be applied in the following procedure and each individual should be handled on a case by case basis. The following sections of this policy refer to three different categories of sickness-related absenteeism:
 - Repeated self certified absences

- Long term sickness with an expected return date
- Chronic illness - a high level of doctor certified absence or one condition or related conditions which are persistent and not improving.

Each case of absenteeism will be investigated individually with sensitivity.

- 5.2 The Council may refer employees to Occupational Health when it is felt necessary.
- 5.3 Personnel and Development **must** be consulted before any action is taken in the following circumstances:
- absenteeism due to pregnancy;
 - absenteeism that is or maybe due to a disability;
 - absenteeism due to suspected drug or alcohol related problem;
 - absenteeism due to a medical problem which may be related to an individual's work.

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6 Repeated absences

- 6.1 On return to work the immediate manager will have a "return to work interview" with the employee to discuss their absence with them.
- 6.2 Personnel and Development will notify Service Managers each month of the staff within their Service unit whose self-certified absence reaches up to 5 occasions or 10 working days within the previous 12 months. The immediate manager will talk to the employee about the diagnosis of their absences and enquire whether the employee has consulted their General Practitioner. They will try to establish if any of the occurrences are work related and discuss what the employee can do to improve their attendance record.
- 6.3 The Council uses the Bradford Scores system which identifies those employees with high incidence of short term sick leave. Personnel and Development will regularly report Bradford scores to line managers. Details of the Bradford Scores system are [here](#).
- 6.4 Where an employee's level of attendance reaches a stage where the manager is concerned or it is affecting the delivery of service, the manager will discuss the matter with the employee. The level of attendance may be affected by repeated short term sick leave, emergency leave due to family sickness or other unplanned leave. The discussion will be to determine the reason for the level of attendance and the likelihood of it improving.
- 6.5 Where the manager notes that there is a pattern to the sickness absence (e.g. most instances on a certain day) the manager will bring this to the attention of the employee.
- 6.6 If appropriate, medical advice will be sought and if necessary the employee will be required to see Occupational Health. Employees and managers will be

expected to take and follow any medical advice offered to effect an improvement.

- 6.7 The employee will be informed of any improvement that is required and made aware of the likely consequences if such an improvement is not forthcoming. The manager may set a standard of attendance and will continue to monitor the employee's attendance.
- 6.8 If the desired improvement is not forthcoming the matter should be dealt with in the formal stages of the Council's Capability Procedure.

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7 Long term or chronic illness

- 7.1 Where an employee is absent due to illness for an unbroken period of four or more weeks, and there is no anticipation of an imminent return, the manager will contact the employee having first spoken to Personnel and Development. This contact would be to express concern for the individual and, where necessary, to arrange a visit at their home.
- 7.2 An appointment will be made for the employee with Occupational Health to obtain a report to ascertain:
- the nature of the employee's illness and the prognosis and the likely length of continued absence.
 - whether the absence can be attributed to a disability under the Equality Act 2010, whether there are adjustments that could be made to accommodate the disability to enable the employee to continue in post or, if not, whether the employee would be capable of doing alternative work.
 - The employee's GP / and or a medical specialist may also be consulted to obtain a medical report.
- 7.3 Under the Equality Act 2010 employers have a duty to make reasonable adjustments for disabled employees. Where this is required managers should refer to the Policy on the Employment of People with Disabilities and consult with Personnel and Development.
- 7.4 The absent employee's immediate manager, will sensitively maintain regular contact with the employee throughout their absence in order to:
- enquire about their health and whether reasonable adjustments can be made to help accommodate them at work.
 - enquire as to when they will be able to return to work if appropriate.
 - keep the employee informed if their level of pay is to change.
- 7.5 In the light of this information together with any medical evidence, the capability of the employee to return to their normal duties or to alternative work will be fully explored.

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8 Redeployment

- 8.1 Where the employee is unfit for their current duties but fit for other duties, the manager and personnel adviser must have full discussions with the employee and their union representative, where a member, or workplace colleague, to seek suitable alternative employment within the Council. This may involve making reasonable adjustments to the new job to enable the employee to undertake the role.
- 8.2 Where the employee takes a permanent post at a lower salary, pay protection will not normally apply, except if on a phased return to work and temporarily re-deployed for a maximum period of three months.
- 8.3 The Head of Personnel and Development should enquire of the LGPS whether the employee would be entitled to an ill health pension. It should be noted that where the LGPS believes that the employee may continue to work in a similar capacity as they have been employed, then the employee would not normally be entitled to an ill health pension.
- 8.4 Where after a period of 3 months, no suitable post has been identified within the Council; the employee's employment may be terminated on the grounds of ill health in accordance with the Dismissal Procedure specified in the Disciplinary Procedure. At this meeting the employee will be entitled to be represented by a union representative, where a member, or workplace colleague. The employee will be entitled to contractual/statutory notice and may appeal against the termination of his/her contract to a Members' Appeal Committee. The appeal must be lodged in writing to the Head of Personnel and Development within 21 days of the date of the letter informing them of the termination of the contract.

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9 Retirement

- 9.1 If an employee is declared permanently unfit and recommended for retirement on the grounds of permanent ill health, the manager and personnel adviser will see the employee to confirm the Occupational Health Consultant's opinion and to describe the procedure to apply to the Local Government Pension Scheme and financial implications. Once the LGPS has agreed that the employee may receive a pension his/her employment will be terminated with the contractual/statutory notice and confirmed in writing.

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10 Access to medical reports

- 10.1 Under the Access to Medical Reports Act 1988, Employees have the right to request to see any medical report on them before it is passed to the Council. They also have the right to refuse for the report to be shown to the Council. The employee will be informed of these rights when requesting their permission to obtain a medical report.

10.2 Where an employee refuses to co-operate in providing medical evidence or undergoing a medical examination, they will be advised in writing that the actions/decisions subsequently taken will be based on the information available and of the likely implications, i.e. ultimately, perhaps termination of their contract.

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11 Sickness Payments

11.1 Subject to the provisions of this Scheme, an Officer absent from duty owing to illness (which term is deemed to include injury or other disability shall be entitled to receive an allowance in accordance with the following scale:

Service	Full Pay	Half pay
During the first 4 months of service	One month	
During the next 8 months of service	One month	two months
During the 2nd year of service	Two months	two months
During the 3rd year of service	Four months	Four months
During the 4th year of service	Five months	Five months
During the 5th year of service	Five months	Five months
After 5 years of service	Six months	Six months

11.2 Heads of Service with advice from the Head of Personnel and Development have the discretion to extend sickness payments in exceptional cases.

11.3 For the purposes of this paragraph service in a temporary capacity shall be recognised.

11.4 For Occupational Sick Pay entitlement record purposes, (and without prejudice to the Council's arrangements for self-certification days (sub-paragraph (4)(a) below), and to any Local Agreements on "qualifying days" for Statutory Sick Pay purposes) "one month" shall be deemed to be equivalent to 26 working days, Saturday being reckoned in all cases as a working day.

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11.5 Calculation of Allowances

11.5.1 The rate of allowance and the period for which it shall be paid in respect of any absence shall be ascertained by deducting from the period of benefit appropriate to the Officer's service on the first day of absence the aggregate of the periods of absence due to illness during the twelve months immediately preceding the first day of absence. In aggregating the periods of absence no account shall be taken of any unpaid absence on sick leave.

11.5.2 For the purpose of ascertaining the appropriate period of benefit all previous continuous service shall be calculated in accordance with the Paragraph entitled "Notice to Terminate Employment" of these Conditions.

11.5.3 The allowance payable under this Scheme shall not exceed the sum (if any) by which the total amount of benefits, allowances and payments referred to below falls short of full pay.

NOTE: Under the Social Security and Housing Benefit Act 1982 the Council will be required, subject to the provisions set out in that Act, to pay Statutory Sick Pay to employees. State Benefits will be payable from the D.S.S. in accordance with the Social Security Acts and Regulations. Accordingly, there shall be offset against any allowance equal to full pay the following, as appropriate:

- i) the gross amount of Statutory Sick Pay receivable under the Social Security and Housing Benefits Act;
- ii) the amount of sickness benefit and invalidity benefits receivable under the National Insurance Acts and Regulations made under the Acts;
- iii) compensation payments under the Workmen's Compensation Acts where the right to compensation arises in respect of an accident sustained before 5th July 1948;
- iv) the amount (if any) received as a treatment allowance from the Department of Health or Department of Social Security. The dependency element only of the treatment allowance shall be deducted from sickness allowance. The Officer will, therefore, be allowed to retain the personal element of his treatment allowance;
- v) In the case of half pay periods the allowance is a sum equal to half pay plus an amount equivalent to the Statutory Sick Pay entitlement and other benefits receivable under (i) to (v) so long as the total sum does not exceed full pay;
- vi) Widows and married women exercising their right to be excepted from the full payment of full rate National Insurance Contributions shall be deemed to be insured in their own right for all National Insurance benefits.

NOTE: From 6th April 1983, in accordance with the terms of the Social Security and Housing Benefits Act 1982, widows and married women exercising such a right shall be entitled to receive SSP.

11.5.4 Where a widow or married woman has opted out of paying full National Insurance Contributions the amount taken into account when calculating an allowance under the sick pay scheme will be the amount equal to the total state benefit and SSP receivable had full contributions been paid.

11.5.5 All Officers shall be under an obligation to declare to the Council their entitlement to benefit under (c) above and any subsequent alteration in the circumstances in which such entitlement is based, in default of which the Council shall be entitled to determine the benefit by reference to the

maximum benefit obtainable.

- 11.5.6 For the purpose of assessing sickness pay, account should be taken of the insurance benefit actually received as distinct from the normal benefit receivable subject to the Officer complying with the Regulations as to the payment of contributions and the claiming of insurance benefit to the extent to which the Officer is so required by this Council.
- 11.5.7 So far as widows and widowed mothers are concerned, regard will be paid in calculating the amount of sickness payment only to such part of the Statutory Sick Pay or National Insurance benefit received as is in excess of the amount received by the Officer from the department of Social Security in weeks of full normal employment.
- 11.5.8 Where Officers are receiving sickness pay, they should continue to receive such pay if a Public Holiday occurs during sick leave. Where such Officers have exhausted their period of entitlement to sickness pay, no payment should be made (other than SSP if applicable) in respect of a Public Holiday occurring during the period of the Officers' sick leave.
- 11.5.9 In determining the normal pay of an Officer during sick leave the Council will include regular overtime payments made to Officers whose terms of employment provide that they must, each month, work hours in excess of the usual hours (and for which overtime is paid in accordance with the Hour of Work and Related Allowances Paragraph of the Conditions) and other regular payments made under the same Paragraph.

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11.6 Grant of Sick Pay to Victims of Crimes of Violence

- 11.6.1 Where an Officer is absent from work because of an injury in respect of which a claim will lie to the Criminal Injuries Compensation Board and the Officer is otherwise qualified to receive sick pay in accordance with this Paragraph, such sick will be disbursed to that Officer without that Officer being required to refund any proportion of it from the sum which the Compensation Board may award, and
- 11.6.2 Where an award has been made by the Compensation Board, this Council will discount wholly or partly the period of sick leave occasioned by the injury in calculating the Officer's future entitlement to sick pay, as they may see fit on consideration of all the material circumstances.

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12 Conditions

- 12.1 An Officer who is prevented by illness for reporting for duty shall notify immediately the Officer prescribed for this purpose by the council. If the

Officer's absence continues after the third day the Officer shall provide further notification as to the nature and probable duration of the Officers illness to the Council.

- 12.2 The Officer shall provide a doctor's Statement of Fitness for Work not later than the eighth calendar day of absence. Subsequent doctor's Statements of Fitness for work shall be submitted to cover the Officer's absence if it extends beyond the period covered by the initial statement, at the same intervals as required for National Insurance purposes and at similar intervals in respect of the period for which SSP is payable.
- 12.3 Exceptionally, this Council will, in a particular case, require statements to be submitted at more frequent intervals. In cases where the first doctor's statement covers a period exceeding fourteen days or where more than one statement is necessary the Officer must, before returning to work, obtain a Final Statement of Fitness for Work as to the Officer's fitness to resume duties. The Statements required should normally be those issued for National Insurance purposes and if appropriate should be forwarded by the Council without delay to the Department of Social Security. On return to work an Officer will certify the reasons for all such absences up to and including seven days.
- 12.4 Whilst no variation can be made in the requirement that sickness absence must be certified by a qualified medical practitioner, the Council may, at its discretion, accept certificates of Christian Science practitioners in particular cases according to their merits.
- 12.5 An Officer entering a hospital or similar institution shall submit a doctor's Statement of Fitness for Work on entry and on discharge in substitution for periodical Statements.
- 12.6 A case of serious character, in which a period of sick leave on full pay in excess of the period of benefit under Paragraph 1 would by relieving anxiety materially assist a recovery of health, shall receive special consideration at the Council.
- 12.7 An allowance shall not be paid in a case of accident due to active participation in sport as a profession, nor in a case in which the absence arises from or is attributable to the Officer's own misconduct.
- 12.8 A period of absence due to injury sustained by an Officer in the actual discharge of his duty and without the Officer's own default shall not be recorded for the purposes of this Scheme.
- 12.9 An Officer who is absent as the result of an accident shall not be entitled to an allowance if damages may be receivable from a third party in respect of such accident. In this event, the Council may, having regard to the circumstances of the case, advance the Officer a sum not exceeding the sickness allowance provided under this Scheme, subject to the Officer undertaking to refund to the Council the total amount of such allowance or

the proportion thereof represented in the amount of damages received. Any period of absence in such a case where refund of the monies advanced is made in full, shall not be recorded for the purposes of this Scheme. Where, however, the refund is made in part only, the Council may at its discretion decide to what extent, if any, the period of absence may be so recorded.

- 12.10 The Council may at any time require an Officer who is unable to perform his/her duties as a consequence of illness to submit to an examination by a medical practitioner nominated by the Council. Any expenses incurred in connection with such examination will be met by the Council.
- 12.11 The provisions of this Scheme shall cease to apply to an Officer on the termination of the Officer's employment in pursuance of the provision of the Pension Act applicable to that Officer's case, whether by reason of permanent ill-health, or infirmity of mind or body or by reason of age, but without prejudice to the right of an Officer whose employment is terminated by reason of age, but without prejudice to the right of an Officer whose employment is terminated by reason of permanent ill-health or infirmity to receive the period of notice provided by the Officer's Contract of Employment.
- 12.12 If it is reported to the Council that an Officer has failed to observe the conditions of the Scheme or has been guilty of conduct prejudicial to the Officer's recovery and the Council is satisfied that there is substance in the report, the payment of the allowance shall be suspended until the Council has made a decision thereon, provided that before making a decision the Council shall advise the Officer of the terms of the report and shall afford the Officer an opportunity of submitting his/her observations thereon and of appearing or being represented, before the Council or its' appropriate Committee. If the Council decides that the Officer has failed without reasonable excuse to observe the Conditions of the Scheme, or has been guilty of conduct prejudicial to his/her recovery, then the Officer shall forfeit his/her right to any further payment of allowance in respect of that period of absence.

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13 *Contact with Infectious Diseases etc. Persons Deemed to be Incapable of Work*

- 13.1 An Officer who in accordance with the National Insurance Act is prevented from attending his/her place of employment because of contact with infectious disease shall notify his/her Senior Officer immediately and shall be entitled to receive full pay less benefits payable under the Act. A period of absence on this account shall not be reckoned against the Officer's entitlement to normal sick leave.
- 13.2 In the case of contact with other infectious or contagious diseases the Officer should not stay away from duty if he/she feels well but should report the fact of contact to his/her Senior Officer.

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14 Reimbursement of Cost of Doctor's Statements

- 14.1 Where for the purposes of qualifying for an allowance under this Scheme the Council requires a Doctor's Statement of Fitness for Work from an Officer, the Council will reimburse any cost incurred in obtaining such Statements.

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*Policy Agreed: JCC 17 December 2007
Updated in line with legislation: April 2011
Reviewed January 2014*

Equality Impact Assessment

1. An Equality Impact Assessment (EIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in its decision-making. Although there is no legal duty to produce an EIA, the Council must have **due regard** to the equality duty and an EIA is recognised as the best method of fulfilling that duty. It can assist the Council in making a judgment as to whether a policy or other decision will have unintended negative consequences for certain people and help maximise the positive impacts of policy change. An EIA can lead to one of four consequences:

- (a) No major change – the policy or other decision is robust with no potential for discrimination or adverse impact. Opportunities to promote equality have been taken;
- (b) Adjust the policy or decision to remove barriers or better promote equality as identified in the EIA;
- (c) Continue the policy – if the EIA identifies potential for adverse impact, set out compelling justification for continuing;
- (d) Stop and remove the policy where actual or potential unlawful discrimination is identified.

Public sector equality duty

2. The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:
- (a) Eliminate discrimination, harassment and victimisation;
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it (ie tackling prejudice and promoting understanding between people from different groups).

3. These are known as the three aims of the general equality duty.

Protected characteristics

4. The Equality Act 2010 sets out nine protected characteristics for the purpose of the equality duty:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership*
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

Due regard

5. Having 'due regard' is about using good equality information and analysis at the right time as part of decision-making procedures.
6. To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations. This can involve:
- removing or minimising disadvantages suffered by people due to their protected characteristics.
 - taking steps to meet the needs of people with certain protected characteristics when these are different from the needs of other people.
 - encouraging people with certain protected characteristics to participate in public life or in other activities where it is disproportionately low.
7. How much regard is 'due' will depend on the circumstances. The greater the

potential impact, the higher the regard required by the duty. Examples of functions and decisions likely to engage the duty include: policy decisions, budget decisions, public appointments, service provision, statutory discretion, decisions on individuals, employing staff and procurement of goods and services.

8. In terms of timing:

- Having 'due regard' should be considered at the inception of any decision or proposed policy or service development or change.
- Due regard should be considered throughout development of a decision. Notes shall be taken and kept on file as to how due regard has been had to the equality duty in research, meetings, project teams, consultations etc.
- The completion of the EIA is a way of effectively summarising this and it should inform final decision-making.

Case law principles

9. A number of principles have been established by the courts in relation to the equality duty and due regard:

- Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty and so EIA's must be attached to any relevant committee reports.
- Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
- A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
- The duty is a continuing one so that it needs to be considered not only when a

policy, for example, is being developed and agreed but also when it is implemented.

- It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.
- A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

The Equality and Human Rights Commission has produced helpful guidance on "Meeting the Equality Duty in Policy and Decision-Making" (October 2014). It is available on the following link and report authors should read and follow this when developing or reporting on proposals for policy or service development or change and other decisions likely to engage the equality duty. [Equality Duty in decision-making](#)

Lead officer:	Joy Cross – HR Manager
Decision maker:	Cabinet
Decision: <ul style="list-style-type: none"> • Policy, project, service, contract • Review, change, new, stop 	Revised personnel policy document which forms part of the conditions of service.
Date of decision: The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	October 2020
Summary of the proposed decision: <ul style="list-style-type: none"> • Aims and objectives • Key actions • Expected outcomes • Who will be affected and how? • How many people will be affected? 	Proposed revised policy documents for Sickness Policy and proposed new policy documents for Managing and Supporting Attendance Policy and Probation Policy which will be applicable to all Ashford Borough Council employees
Information and research: <ul style="list-style-type: none"> • Outline the information and research that has informed the decision. • Include sources and key findings. 	caselaw research, best practice guidance, consultation with key stakeholders, managers and Unison
Consultation: <ul style="list-style-type: none"> • What specific consultation has occurred on this decision? • What were the results of the consultation? • Did the consultation analysis reveal any difference in views across the protected characteristics? • What conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics? 	<p>Consultation was undertaken as detailed above which resulted in numerous drafts of the proposed policies being produced and discussed.</p> <p>The policy document complies with UK employment law.</p>

Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

Protected characteristic	Relevance to Decision High/Medium/Low/None	Impact of Decision Positive (Major/Minor) Negative (Major/Minor) Neutral
<u>AGE</u> Elderly	Medium	Neutral
Middle age	Medium	Neutral
Young adult	None	Neutral
Children	None	Neutral
<u>DISABILITY</u> Physical	Medium	Neutral
Mental	Medium	Neutral
Sensory	Medium	Neutral
<u>GENDER RE-ASSIGNMENT</u>	Medium	Neutral
<u>MARRIAGE/CIVIL PARTNERSHIP</u>	None	Neutral
<u>PREGNANCY/MATERNITY</u>	Medium	Neutral
<u>RACE</u>	None	Neutral
<u>RELIGION OR BELIEF</u>	None	Neutral
<u>SEX</u> Men	Medium	Neutral
Women	Medium	Neutral
<u>SEXUAL ORIENTATION</u>	None	Neutral

Mitigating negative impact: Where any negative impact has been identified, outline the measures taken to mitigate against it.	Professional advice from HR team
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Is the decision relevant to the aims of the equality duty?

Guidance on the aims can be found in the EHRC's [Essential Guide](#), alongside fuller [PSED Technical Guidance](#).

Aim	Yes / No / N/A
1) Eliminate discrimination, harassment and victimisation	n/a
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	n/a
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	n/a

Conclusion:

- Consider how due regard has been had to the equality duty, from start to finish.
- There should be no unlawful discrimination arising from the decision (see guidance above).
- Advise on whether the proposal meets the aims of the equality duty or whether adjustments have been made or need to be made or whether any residual impacts are justified.
- How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported?

Due regard has been paid to equality through the drafting of documentation by qualified HR professionals trained in equality issues and a review of relevant employment case law.

The council's revised policy register will assist services to meet this

EIA completion date:

06.11.20