EXECUTIVE BOARD MEMBER DECISION MEETING

FOR DEPUTY LEADER

27.02.2020

Executive Board Member:	Portfolio:
Cllr. Mair Stephens	People Management

Sickness Absence Policy

Purpose:

To consider revised sickness absence policy

Recommendations / key decisions required:

To adopt the recommended amendments to the current sickness absence policy

Reasons:

The policy has been reviewed following representations made by recognised trades unions via Corporate Employee Relations Forum and subsequent consultation with P&R scrutiny committee and our people managers.

Directorate		
Name of Head of Service:	Designation	Tel No/E Mail Address:
Paul Thomas	Assistant Chief Executive (People Management)	01267 246123 PRThomas@carmarthenshire.gov.uk
Report Author:		
Ann Clarke	Lead Business Partner (HR)	01267 246167 ALClarke@carmarthenshire.gov.uk

Declaration of Personal Interest (if any): **None**

Dispensation Granted to Make Decision (if any): **N/A**

DECISION MADE: **Signed:** _____DATE:_____ EXECUTIVE BOARD MEMBER

The following section will be completed by the Democratic Services Officer in attendance at the meeting

Recommendation of Officer adopted	YES / NO
Recommendation of the Officer was adopted **subject to the amendment(s) and reason(s) specified:**	
Reason(s) why the Officer's recommendation was **not adopted**:	

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SICKNESS ABSENCE POLICY

Introduction

The Sickness Absence Policy was revised substantially and re-launched in January 2014. In September 2018 our recognised trades unions submitted a joint statement seeking several proposed amendments to this policy and procedure. These proposed changes have been considered alongside feedback from P&R scrutiny Members, the committee responsible for scrutinising sickness absence performance, our people managers responsible for managing attendance and ACAS good practice guidance.

Recommended amendments to current policy and procedure

These are a summary of proposed changes:

- Updated Authority core values are reflected within the policy and greater emphasis on the support provided by our organisation;
- Recommendation for the review period following the 1st/2nd Attendance Management Meeting (AMM) to be at least 2 months and no longer than 3 months, with the flexibility to set a review period of up to 3 months for the 3rd and final AMM, depending on the facts of the individual case (This is currently a fixed period of either 2 or 3 months for all review periods);
- Recommendation to reduce the subsequent monitoring period from 6 months to 4 months, with the exception of cases where an employee develops a pattern of dropping out of the formal process only for level of sickness absence to become a concern again (This is currently a fixed 6-month period and can mean that an employee finds it difficult to remove themselves from the formal processes even though the level of sickness absence has declined and attendance has improved);
- Inclusion of paragraph on how pregnancy related absence is managed, i.e. continuing with informal Return to Work and Employee Support Meetings but excluding pregnancy related absence from formal processes and signposting to pregnancy risk assessment. (counting pregnancy related absence towards formal triggers within the process is automatically discriminatory of the grounds of pregnancy);
- Inclusion of paragraph on work related accidents and incident;
- Inclusion of paragraph on mental health in the workplace;
- Live hyperlinks to all associated policies and guides;
- Strengthening the emphasis on wellbeing support available to improve regular attendance;
- Updated paragraph on ill-health retirement;

- Clarity on the interaction between short term and long-term sickness absence and the need to seek up to date Occupational Health advice where the absence type changes because of a disability. The employee will be maintained at the same stage of the procedure until such time as OH advice has been received on reasonable adjustments and these are implemented, where it is practicable to do so.

The trades unions have requested that the following categories of sickness absence should not be counted towards the formal triggers within the procedure:

- Disability related absence, including mental health problems;
- Work related injury or illness;
- Menopause related absence.

These proposals cannot be supported for the following reasons:

- The Authority does not have any legal obligation to exclude periods of sickness absence from its procedures. It currently has the following support available to employees:
  - Disability related absence – reference to the Disability Information and Reasonable Adjustment Guidance;
  - Menopause related absence – reference to the Menopause Guide for Managers and Guide for Employees;
  - Absence related to work related injury or illness which is reported and investigated in line with our Health & Safety procedures is recorded separately and, in this instance, the employee commences a separate entitlement to occupational sick pay;
  - An employee may substantially or wholly be absence for the above reasons and the Authority would not be in a position to manage the employee through the health capability process and ultimately dismiss due to level of attendance.

In addition, they have requested the following amends:

- Ending the rolling year for recording sickness absence and introducing a set year, e.g. linked to the employee's birthday;
- Increasing the number of incidences before hitting a formal trigger from 4 to 5;
- Increasing the number of formal stages in the sickness absence procedure from 3 to 4;
- To remove the review periods set after an absence management meeting;
- Increasing the length of the paid phased return currently up to 4 weeks;

These proposals cannot be supported for the following reasons:

- The rolling year for recording sickness absence is standard professional best practice and links to the rolling period of calculating statutory/occupational sick pay in line with national conditions of service and statutory sick pay regulations;
- Moving to a set year will mean that previous absence in the preceding year is discounted and effectively the employee starts from scratch at the start of the new year;
- The triggers within the current policy where adopted by Executive Board following the recommendations made by P&R Scrutiny Task & Finish Group established to examine ways to support a reduction in the level of sickness absence within the Authority;

- The review period is linked to the 'warning' issued that where there isn't an improvement in attendance levels that an employee will progress to the next stage of the formal procedure;
- The Authority's phased return of up to 4 weeks is in line with the Department of Work and Pensions Fitness to work Guidance which states this may be as little as one week and not usually more than four weeks. The OH Advisor/Physician can under the current procedures make a recommendation for a reasonable adjustment to extend the phased return on a case by case basis, e.g. condition of long-term fatigue issues.

The trades unions have requested that whilst these proposed amendments are not supported by officers that they are considered by CMT and EBM for inclusion

DETAILED REPORT ATTACHED?	**No**

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: **Paul Thomas, Assistant Chief Executive (People Management)**

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	People Management	Physical Assets
YES	**YES**	**YES**	**NONE**	**NONE**	**YES**	**NONE**

1. Policy, Crime & Disorder and Equalities

The Sickness Absence Policy supports the Community Strategy, Corporate Strategy and Improvement Plan themes Feeling Fine…Health & Well-being

2. Legal

The Authority is required to have a policy and procedures in place for managing sickness absence in a fair and transparent manner. To ensure it meets its obligations of the Equality Act 2010 it is necessary to make reasonable adjustments for staff who are disabled to reduce any potential detrimental impact and reduce any risk of claims of disability discrimination arising from the policy's application.

3. Finance

Statutory and Occupational Sick Pay is paid in accordance with statutory sick pay regulations and national joint conditions of service. This will be within departmental delegated budgets.

7. People Management

People Management provide advice to employees and people managers on the application of the Sickness Absence Policy, support services via Human Resources, the Wellbeing Centre and training and development.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Paul Thomas, Assistant Chief Executive (People Management)

1. Scrutiny Committee

Policy & Resources Scrutiny Committee was consulted on 2nd December 2019

No recommendations and comments noted in respect of the revised policy.

2.Local Member(s)

N/A

3.Community / Town Council

N/A

4.Relevant Partners

N/A

5.Staff Side Representatives and other Organisations

The recognised trades unions have been consulted via Corporate Employee Relations as detailed within the report

Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:

THERE ARE NONE

Title of Document	File Ref No.	Locations that the papers are available for public inspection