

Member Report

Managing Health, Attendance & Wellbeing Policy



Report to:	Employment Health and Safety Committee
Report from:	Managing Director
Portfolio:	Resources
Report Date:	25 September 2024
Decision Type:	Committee
Council Priority	A Strong and Sustainable Council

HEADLINE POSITION

1.0 Summary of report

- 1.1 The purpose of the report is to seek approval for the implementation of the revised Managing Health Attendance and Wellbeing Policy.

2.0 Recommendation

- 2.0 It is recommended that the Employment Health and Safety Committee approves the revised Managing Health Attendance and Wellbeing Policy.

DETAILED PROPOSALS

3.0 What are the objectives of the report and how do they link to the Council's priorities

- 3.1 The current Managing Health Attendance and Wellbeing Policy was approved on 19 August 2020. In line with normal arrangements to review Human Resources policies, the policy has been amended to bring it up-to-date and ensure compliance with relevant employment and equality legislation.
- 3.2 The CIPD Health and Wellbeing at Work Report (October 2023) shows the highest sickness absence rate nationally for over a decade. The average rate of employee absence now stands at 7.8 days per employee per year, a considerable increase since their last report in October/November 2019.
- 3.3 In 2023/24, the number of days lost due to sickness absence at the Council was 9.66 days per full time equivalent employee. The Council's absence for 2023/24 was one of the lowest across the Tees Valley authorities, indicating that we continue to effectively manage absence, however, more stringent processes need to be implemented to ensure the trend in terms of the number of days lost does not continue to increase.
- 3.3 It is proposed that the general arrangements within the policy should largely be maintained but that, subject to the views of the Committee, the following changes should be implemented:

Section 1 – Introduction

This section has been updated to include the principles that underpin the policy.

Section 10 – Dealing with Short-Term Absence

This section has been updated to vary the current process. The proposed changes will mean that all short-term sickness will be managed through a three stage process. This will ensure that there is a fair and consistent approach across all the Directorates.

Section 11 – Dealing with Long-Term Absence

Some minor changes have been made to this section in relation to the timescales for welfare support meetings.

Section 12 – Health, Attendance and Wellbeing Hearing

The section has been renamed from Case Review Hearing.

Section 13 – Return to Work Arrangements

This is a new section which provides guidance on rehabilitation/phased return to work plans and workplace reasonable adjustments.

Section 14 – Suspension on Medical Grounds

This section has been updated to require a manager to undertake a risk assessment to identify hazards and any adjustments or alternative roles prior to seeking approval for medical suspension. Under this section, any extension beyond the 28 days will now need to be approved by the appropriate Executive Director.

Section 18 – Sickness During Annual Leave and Public Holidays

The section has been updated to ensure compliance with the Employment Rights (Amendment, Revocation and Transitional Provisions) Regulations 2023, which allow an employee who has been absent due to an extended period of sickness to carry over four weeks' annual leave entitlement. Any leave carried over must be taken within 18 months of the end of the leave year in which it was accrued.

- 3.4 A copy of the Managing Health Attendance and Wellbeing Policy is attached as Appendix 1.

4.0 What options have been considered.

- 4.1 The implementation of the revised Managing Health, Attendance and Wellbeing Policy will help to ensure that the Council is compliant with employment legislation and, as such, no other options have been considered.

5.0 Impact Assessment

5.1 Climate Emergency

There is no direct impact on the climate emergency.

5.2 Health and Safety

There are no direct implications arising from approving the policy itself. However, individual cases of sickness absence may well have health and safety implications and, hence, it is important that an appropriate and consistently applied policy is in place so that absence is managed appropriately.

5.3 Social Value

There is no direct impact in term of social value.

5.4 Legal

The revised Managing Health, Attendance and Wellbeing Policy will help to ensure that the Council complies with relevant employment and equality legislation.

5.5 Financial

The policy itself does not create any additional resource implications. However, high sickness levels result in considerable costs to the Council. These costs can be direct costs (such as the amount paid in sick pay, the cost of additional hours to cover for absence etc.) or indirect costs (such as the effect on the morale of the workforce and increased pressure on staff that have to cover for absent colleagues and face increased workloads as a result).

5.6 Human Resources

Having an up to date policy will ensure that all sickness is dealt with in a fair and consistent manner.

5.7 Equality and Diversity

The policy is designed to be compliant with Equality and Diversity requirements.

6.0 Implementation Plan

6.1 Timetable for Implementing Decision:

If approved, the revised Managing Health Attendance and Wellbeing Policy will be implemented on 1 November 2024.

6.2 Lead Officer

Jane Garnett

6.3 Reporting Progress

N/A

6.4 Communications Plan

Arrangements will be made for this to be communicated internally via HR Insight and Building a Better Borough. A copy will also be made available on the intranet.

7.0 Consultation and Engagement

A copy of the Managing Health, Attendance and Wellbeing Policy was circulated to the recognised Trade Unions. The Trade Unions have made the following comments which members may wish to discuss further during the meeting:

Union Comments	Response
Section 9 – Trigger Points I cannot see any reference to extended triggers/adjusted triggers in either section 9 or 21. Please can an appropriate reference be added for the benefit of both employees and managers in terms of knowing these can be considered/put in place.	The trigger points are used to start the short-term absence management process, where an employee's absence is due to a disability/impairment or long-term health condition. Consideration can be given to extension of the trigger points as a reasonable adjustment. Where extended triggers are being considered, advice should be sought from occupational health. We have added some additional information into Section 10 – Dealing with Short Term Sickness Absence

<p>Section 10 – Short Term Absence</p> <p>If there is continued concern about the employee’s level of absence” but there is no guidance on what level of absence would be sufficient to give ongoing cause for concern. For example, would 1 day absence be enough to give rise to cause for concern, or are further triggers required to be hit?</p>	<p>The level of concern needs to be agreed on a case by case basis taking into consideration the employee’s previous absence record. We have added some additional information into the policy, it is also our intention to deliver some awareness sessions for managers, to highlight the changes to the policy. Managers will also have access to a 10 Step Guide that will provide them with additional guidance.</p>
<p>Section 12 – Health Attendance & Wellbeing Hearing</p> <p>It is stated there is no right of appeal against management guidance or a monitoring period. Rules of natural justice dictate that there is a right of appeal against any decision taken and this, we would argue, would include imposition of a monitoring period. As the length of the monitoring period is discretionary these should be capable of being appealed</p> <p>Please add an addition to state there is a right to be accompanied by a TU Rep.</p>	<p>The Council has always taken the view that management guidance is exactly that, guidance rather than a formal sanction, so there is no right of appeal afforded for it - and we see no reason to change this given that the current practice seems proportionate.</p> <p>The policy has been amended to include a bullet point stating that employees have the right to be accompanied by a work colleague or trade union representative.</p>
<p>Section 13 – Return to Work</p> <p>We do not think this is desirable. Where the policy states “Where employees have carried over accrued annual leave from the previous leave year in accordance with the Employment Rights (Amendment, Revocation and Transitional Provisions) Regulations 2023 the employee may elect to use some of the leave to facilitate their phased return to work” it should be made clear to managers that this is a choice not an obligation/ requirement. Where a member elects not to use annual leave when working under a phased return, will the Council agree to pay the member on full pay</p>	<p>When a return to work is being discussed, if the employee declines to use any of the accrued leave the salary paid to the employee during the rehabilitation programme will be agreed beforehand and will not be more financially detrimental than if the employee had remained on sick pay.</p>
<p>Section 14 – Suspension on medical Grounds</p> <p>The duration of the suspension is stated as normally lasting no longer than 28 calendar days, and this will only be</p>	<p>Medical suspension should only be considered once a risk assessment has been completed. In cases where</p>

<p>extended in exceptional circumstances and with the written approval of the appropriate Executive Director. How will cases be dealt with going forward if the member if staff is ready, willing and able to return to work but is prevented from doing so by circumstances out with their control (e.g. reasonable adjustments not being in place</p>	<p>it is evident that reasonable adjustments are required, arrangements will be made for a case conference to be held with all parties to discuss and agree adjustments and agree timescales for implementation.</p>
<p>Serio 19 - Conduct whilst absent due to sickness Could this be reworded to “All employees who are absent from work due to sickness have a personal responsibility to take reasonable steps...”</p>	<p>The policy has been amended to reflect this change.</p>
<p>Section 20 – Support Services Is it the Council’s intention to draw up a list of recommended/approved organisation</p> <p>Whilst managers are encouraged to seek advice and liaise with HR and/or Health, Safety and Wellbeing Team over external specialists, please can there be input from the member of staff</p> <p>Employees who are members of a trade union can contact their union for support and advice.</p>	<p>We will draw up a list of recommended/approved organisations and ensure this is available to all managers.</p> <p>The policy has been amended.</p> <p>The policy has been amended to include reference to the trade union in section 20.</p>

8.0 Appendices and Background Papers

8.1 Appendix 1 Managing Health Attendance and Wellbeing Policy

9.0 Contact Officer

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