



MEETING : LOCAL JOINT PANEL
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : TUESDAY 3 DECEMBER, 2013
TIME : 2.30 PM

MEMBERS OF THE PANEL

EMPLOYER'S SIDE:

Councillors M Alexander, L Haysey, A Jackson and J Thornton

Substitutes:

Conservative

J Ranger

STAFF SIDE – UNISON (2 VACANCIES)

Mr A Stevenson (Chairman) and Mr S Ellis

Substitutes: S Gray and J Francis

(Note: Substitution arrangements must be notified by the absent Member to Democratic Services 24 hours before the meeting)

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DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
 - must not participate in any discussion of the matter at the meeting;
 - must not participate in any vote taken on the matter at the meeting;
 - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
 - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
 - must leave the room while any discussion or voting takes place.
2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.
3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.

4. It is a criminal offence to:

- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
- participate in any discussion or vote on a matter in which a Member has a DPI;
- knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

AGENDA

1. Apologies

To receive apologies for absence.

2. Minutes (Pages 5 - 8)

To confirm the Minutes of the meeting held on 21 October 2013.

3. Chairman's Announcements

4. Declarations of Interest

To receive any member's Declarations of Interest.

5. Reports by Secretary to the Employer's Side

(A) Expenses Policy Review - "To Follow"

(B) Home Working Policy (Pages 9 - 38)

(C) Absence Management Policy (Pages 39 - 64)

(D) Response to UNISON on Local Award - "To Follow"

6. Reports by Secretary to the Staff Side

7. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

MINUTES OF A MEETING OF THE
LOCAL JOINT PANEL HELD IN ROOM 27,
WALLFIELDS, HERTFORD ON MONDAY 21
OCTOBER 2013, AT 2.00 PM

PRESENT: **Employer's Side**

Andy Stevenson (Chairman)
Councillors M Alexander, L Haysey and
A Jackson

Staff Side (UNISON)

Mr S Ellis and J Francis

ALSO PRESENT:

Councillors J Ranger

OFFICERS IN ATTENDANCE:

Glenda Bennett	- Interim Head of People and Property
Lorraine Blackburn	- Democratic Services Officer
Adele Taylor	- Director of Finance and Support Services

10 MINUTES

RESOLVED – that Minutes of the meeting held on 3
September 2013 be approved as a correct record and
signed by the Chairman.

11 CHAIRMAN'S ANNOUNCEMENTS

The Chairman stated that no reports had been submitted by
the Secretary to the Employer's Side.

12 REVISION OF COUNCIL'S PAY AWARD POLICY

The Secretary to the Staff Side submitted a report requesting

that the reduction in Local Award which was introduced as part of the Terms and Conditions review, be suspended.

The Secretary to the Staff Side presented a report to the Panel on the Council's Local Award scheme and a proposition that the current scheme be reviewed in light of the current economic situation and the effect this is having on living standards for staff. The Secretary to the Staff Side requested that, in the light of these reductions, the Council cancel plans to reduce the Local Award and allow all employees to receive the 1% pay increase negotiated earlier this year, without a reduction of the Local Award and for staff to receive in full any future national pay awards.

Councillor A Jackson thanked the Secretary to the Staff's Side for the report. He acknowledged the difficult economic times and of the need to find a balance. Councillor Jackson stated that by 2020 it is highly likely that the proportion of our funding received from Central Government would have significantly reduced. As a way forward, Councillor Jackson suggested that Officers be asked to take a closer look at the figures within the overall context of the budget and to report back on options for further consideration by the Panel.

The Secretary to the Staff Side suggested that a proportion of the salary savings already achieved be divided between staff as a bonus for their loyalty. He further suggested that the Council cancel plans to reduce the Local Award to allow employees to receive any pay increases.

Councillor A Jackson's suggestion was unanimously supported.

RESOLVED – that Officers review the options available within the context of the Council's budget and report back to the next Local Joint Panel meeting with options and figures for a way forward.

13 INCREASE PAY GRADE FOR STAFF UP TO GRADE 5

The Secretary to the Staff Side submitted a report seeking an amendment to the Council's pay scales in adjusting grades for

staff on grades 1-5 to enable progression to the next spinal column point (SCP), the details of which were set out in the report now submitted and Essential Reference Papers.

The Secretary to the Staff Side explained that staff on higher salaries always tended to benefit by percentage increases when compared to those on a lower salary and that increased the gap in earnings. The Secretary to the Staff Side asked that all staff on grades 1 to 5 and at the top of the grade be allowed to progress on to the next grade and all other grades up to grade 5 follow the same process migrating to grade 6 once the top of grade 5 had been reached.

The Secretary to the Staff Side explained that all Unison Members had been provided with a copy of the report and 96.6% of those Union members who had voted were in favour of it.

Councillor A Jackson queried whether it was premature at this point in time to consider this particular issue in the light of national negotiations taking place.

The Interim Head of People and Property Services explained that the salary grades had been the subject of an agreement with Unison in 2001 and that pay was worked out on the basis of a job evaluation. She added that what was being proposed, would compress the grading system and could potentially raise issues in terms of pay. The Interim Head of People and Property Services explained the difficulties of negotiating at a local level when discussions were taking place at a national level.

Councillor J Ranger referred to the Council's acceptance of national agreements and that Staff had received a 1% pay award and agreed with Councillor Jackson that to consider this matter now would be premature until the national negotiations had concluded. He stated that many Authorities had removed automatic progression and had cut pay through all grades.

The Secretary to the Staff Side explained that what was being overlooked was the fact that staff were not feeling the benefit

of any pay award because of the phasing out of the local award scheme. He felt that there might be a number of employees who request for their grades to be reassessed.

Councillor A Jackson reiterated that he felt that there may be scope in terms of reviewing the Council’s Local Award discussed earlier, but that it was premature to consider the issue as a national solution might resolve the issue. He added that processes were in place for staff to seek job evaluations if they wished.

The Director of Finance and Support Services stated that the Panel needed to take on board the implications of proposals on staff and the Council in terms of shared service arrangements. She reiterated the difficulties in terms of negotiating pay awards locally when negotiations were already taking place nationally.

Councillor A Jackson suggested that the matter be deferred in the light of ongoing national pay discussions and that the matter be reviewed following the conclusion of those negotiations when further information was available. This was supported.

RESOLVED – that (A) the matter be deferred in the light of ongoing national pay discussions and

(B) the issue of pay for grades 1 – 5 be reviewed following the conclusion of national negotiations when further information was available.

The meeting closed at 3.05 pm

Chairman
Date

EAST HERTS COUNCIL

LOCAL JOINT PANEL – 3 DECEMBER 2013

HUMAN RESOURCES COMMITTEE – 15 JANUARY 2014

REPORT BY THE SECRETARY TO THE EMPLOYER'S SIDE

HOME WORKING POLICY

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

To approve an amendment to the revised Home working Policy.

<u>RECOMMENDATION FOR LOCAL JOINT PANEL</u> that:	
(A)	The revised Home Working Policy be recommended for approval;
<u>RECOMMENDATION FOR HUMAN RESOURCES COMMITTEE:</u> that:	
(B)	That the revised policy be approved.

1.0 **Background**

1.1 The Council's Home Working Policy was last reviewed over three years ago. The Council's programme of policy review is that policies should be reviewed after three years.

2.0 **Key change**

The policy makes explicit that employees when working from home should provide a phone number to their line manager so that they can be contacted.

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers - Home Working Policy

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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate)</i> :	People This priority focuses on enhancing the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.
Consultation:	None
Legal:	None
Financial:	None.
Human Resource:	As detailed in the report
Risk Management:	None.

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Essential Reference Paper "B"

East Herts Council

Home Working Policy

**Policy Statement No 9 (Issue No 2)
November 2013**

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1.0 Aims of the Policy

- 1.1 This home working policy and guidance should be read in conjunction with the Council's Flexible Working Policy and confirms the Council's commitment to facilitating wherever possible flexible working practices for employees while maintaining the delivery of high standards of care and service to the local community.
- 1.2 There are benefits to both the Council and the employee which include:
- Improved efficiency and productivity
 - Improved recruitment and retention of employees
 - More effective use of office space and reduced costs
 - Reduction in sickness absence
 - Greater flexibility in hours of working and managing workloads
 - Supports work life balance and welfare of staff
 - Increased goodwill, morale and motivation
 - Greater job satisfaction and personal responsibility
 - Reduction in travel time/commuting
 - Reduction in stress and sickness levels
 - Support Council's Climate Change Strategy
 - Supports the Council's Equality and Diversity policy
- 1.3 This home working policy provides guidance on assessing the job, employee and home working environment to establish the business need and suitability to work from home and the implementation of home working arrangements. This is necessary to ensure consistency across the authority.

2.0 Policy Statement

- 2.1 This policy and guidance applies to all employees who have a contract of employment with the Council. It does not apply to agency workers or contractors.
- 2.2 The Council will consider the introduction of a home working arrangement where it is based on the needs of the business and is considered to be of benefit to both the service and the individual member of staff concerned.
- 2.3 Home working is not a means of combining work with caring responsibilities. Employees with caring responsibilities need to have proper care arrangements in place during their contracted working hours.

2.4 Employees who are disabled or become disabled in the course of their employment should inform the Council if they require any reasonable adjustments which are considered necessary for the performance of their duties. Home working may be considered when making reasonable adjustments where appropriate and relevant to the provisions of the Equality Act 2010.

3.0 Key Principles of Home Working

- Home working is not an employee right. Any employee requesting to work from home will be assessed for its impact on the service, the employee and the team.
- Not all jobs are suitable for home working. Suitability will be determined by the Head of Service following discussion between the employee and line manager.
- The Council's generic health and safety risk assessment on home working must be considered by the employee and line manager, control measures addressed, and the assessment agreed and signed off by the Head of Service.
- A Display Screen Equipment (DSE) / Work Station Assessment must be completed for home by the employee in accordance with the Health and Safety policy before work starts and agreed and signed off by the line manager and Head of Service.
- An employee will enter into any home working arrangement on a voluntary basis, unless appointed to a vacant post already established as a home working role.
- The Council's terms and conditions of employment continue to apply to home workers unless otherwise stated.
- An application for regular home working will be made in accordance with this policy and based on business need.
- Employees will be given a trial period of three months to ensure that the arrangement is working satisfactorily for both the employee and the Council.
- Regular home workers and field based workers who will work a regular number of days from home will be issued with a home working agreement and this will be contractual. Regular home working is a permanent arrangement unless otherwise agreed.
- The Council's code of conduct and all Council policies continue to apply to home-workers; including, data protection requirements as well as email and internet usage.

- Clear objectives and measurable outputs will be agreed with the home worker in accordance with the Performance Development Review Scheme (PDRS).
- Employees working from home must provide their line manager with a phone number they can be contacted on whilst working remotely.
- The line manager will undertake annual reviews of whether the home working arrangement is working including health and safety reviews.

4.0 Definitions

- 4.1 For the purpose of this policy and guidance a home worker is defined as either:

Home Worker (Regular)

This applies to employees who work a regular number of days at home (a regular pattern of home working is established - a minimum of 2 days per week). They do not have a designated workspace or desk in the office, although they have access to shared facilities, such as team desking.

Field Based Worker

This applies to employees, also known as mobile workers such as Revenue Inspectors, Benefits Visiting Officers, Environmental Health Officers or Building Control Officers who spend more than 20% of the normal working week on Council business away from an office or a home base. Their base could be the home or the office. They have access to shared facilities, as with the regular home workers.

Flexible Worker (Occasional Home Worker)

This applies to employees, also known as ad hoc home workers who are based in the office but who have a flexible arrangement that would allow them to work occasionally from home, at the discretion and authorisation of their manager, as and when appropriate. They do not have a regular pattern of working from home or their regular pattern of working from home is only one day or less per week and they do have a designated workspace and desk.

5.0 Occasional Home Working

- 5.1 Employees can request occasional home working. This would be on a voluntary basis and would benefit both the service and the individual. Agreement will be at the discretion and authorisation of their line manager as and when appropriate.

- 5.2 On occasions line managers may request an employee to work from home to complete a piece of work, for example write a report.
- 5.3 A DSE / Work Station Assessment at home must be completed by the employee in accordance with the Health and Safety policy before occasional work starts and agreed by the line manager. The generic health and safety risk assessment must be reviewed, and any necessary controls identified introduced.
- 5.4 The Council will not normally provide equipment to anyone who works from home on an occasional basis. In some instances a departmental pool laptop computer may be available to borrow to use to work occasionally from home. Should other equipment be required the line manager should request this from ICT on sign off by their Head of Service.
- 5.5 The Council will however provide a technical flexible home working solution using security access tokens. This solution enables secure web access remotely to emails and some Council systems.
- 5.6 The solution provides an additional level of security by providing a token which displays an 8 digit number which must be input when logging in, in conjunction with the usual login name and password. The solution can be used with an employees' own equipment as the login is via a web page.

6.0 Regular Home Working

6.1 Request

- 6.1.1 To make an application to become a regular home worker an employee is required to write to their line manager requesting to work from home stating how they believe their role will be suitable.

The line manager will undertake a joint discussion with the employee including a review of business needs and complete:

1. Regular Home Working Suitability Checklist (see Appendix A).
2. Safe Working Checklist for Home Workers (Appendix B)
3. DSE / Work Station Assessment (completed by employee)
4. Review the generic health and safety risk assessment and introduce any necessary controls identified.

These documents will be assessed as part of the application process, be taken into consideration when reaching a decision and signed off by the Head of Service.

6.1.2 The impact on the employee, service and team will be taken into consideration as part of the application process. There should be no increase or decrease in workload for colleagues as a result of an employee working at or from home.

6.1.3 Where a request for home working has been declined an employee has access to the Council's grievance procedure.

6.1.4 If the request is agreed details of a trial period need to be drawn up. A home working agreement will be issued by HR. The line manager should inform ICT, giving as much notice as possible to ensure the equipment needed is available.

6.2 Trial period

6.2.1 The home working arrangement will be subject to a trial period of 3 months. A letter of confirmation will be sent after the trial period confirming whether the arrangement has been made permanent. Please also read Termination and Variation of a regular home working arrangement.

6.3 Suitability of Home Working

6.3.1 In assessing the suitability of a post for regular home working, the following factors will be taken into account when assessing the duties and responsibilities of the post:

- It will fulfil a business need and be of benefit to the council.
- Be capable of being done from home without having an adverse effect on the level and quality of service or on other employees .
- Be capable of being done without day to day face to face contact with other staff or direct supervision.
- Be self-sufficient in terms of administrative support or capable of being remotely serviced.
- Have clear objectives and measurable outputs.

6.3.2 In assessing the suitability of the employee, some of the individual competencies/ behaviours are considered important for home working include:

- Self-motivation, self-reliance and discipline to work without direct supervision.
- The ability to complete work to scheduled deadlines.
- Initiative, flexibility and time management skills.
- The ability to communicate well by telephone and in writing.
- The ability to cope with reduced social contact and isolation.
- The ability to cope with the additional pressures of working in the home where the demands of family life are difficult to ignore (childcare arrangements must be in place before home working commences).

6.3.3 It is important that the line manager and employee, as part of the request consider what effect the proposed working arrangement would have on the rest of the team. Any issues identified need to be resolved this could include:

- Will the arrangement impact on appropriate cover in the office e.g. telephones and visitors?
- What will be the effect on the level and quality of the service?
- Is the employee flexible? so that team/service needs can be met. This might include working from the team location rather than home to cover absence of other colleagues at short notice
- A home worker must be contactable during contracted hours.

7.0 Health, safety, welfare and security

7.1 The Health and Safety Executive (HSE) has produced “guidance for employers and employees on health and safety and home working”. This explains the employers’ duties towards home workers and should be read in conjunction with the council’s health and safety policy.

7.2 The following key principles will apply:

- Employees will complete a DSE / Work Station Assessment before home working commences and then annually for their work areas. This is available on the Intranet. This will be signed off by the Head of Service.
- Employees will review, with their line manager, the Council’s generic health and safety risk assessment and introduce any necessary controls identified. The assessment will be signed off by the Head of Service.
- Line managers will complete with the employee a Safe Working Checklist for Home Workers before home working is commenced

and then on an annual basis. This will be signed off by the Head of Service.

- All home workers will be supplied with a copy of the Health & Safety Executive pamphlet “Health and Safety Law – What You Should Know.” <http://www.hse.gov.uk/pubns/law.pdf>. This should be read by the home worker and held on file at their home working location.
- Line managers will ensure that home workers are subject to an annual review that will take full account of all the health and safety issues associated with home working and make adjustments to working arrangements as necessary.
- All employees who work from home have a duty to ensure, insofar as is reasonably practicable, that they work in a safe manner and that they follow all health and safety instructions issued by the Council.
- All employees who work from home are reminded that if they are visited at home e.g. by their line manager or Safety Liaison Officer that they should keep the work environment smoke free in accordance with the Health and Safety legislation.
- A random 10% sample of all homes selected by Health and Safety will be visited by trained line managers or Safety Liaison Officers. In addition, employees homes will be visited where health and safety concerns have been identified during discussions about home working, or when any assessments are undertaken. Visits may be made at any time within designated working hours and the date/time of any such appointment should be agreed in advance between the Council and the employee. A record of any inspection visits/risk assessments should be sent to HR and made available as appropriate for inspection purposes.

7.3 Fire and Accident Precautions

The home worker must have an evacuation plan for exiting the workspace safely in the event of fire and be expected to keep their exit routes clear of obstruction.

A small first-aid kit will be provided on request and should be kept within easy reach of the workspace.

7.4 Avoiding Isolation/Stress

In some circumstances home workers can feel isolated or stressed without regular contact with colleagues and their employer. Line

managers should ensure that employees are in regular contact with colleagues. Regular face-to-face team meetings and/or conference calls should be supplemented by increased contact between line managers and their employees via email and telephone. This will be set out in the operational agreement (see Section 12).

Formal and informal debriefing mechanisms should be put in place to support employees who are routinely making home visits or dealing face-to-face with members of the public who may be either hostile or distressed. Employees could be asked to attend regular group meetings to discuss visits or cases and/or establish pairs with colleagues who they are able to telephone after difficult visits.

Employees are also able to use the Employee Assistance Programme or visit Occupational Health.

8.0 Equipment and furniture and office supplies

8.1 The Council will ensure that all equipment and furniture supplied to regular home workers to carry out their duties are suitable for the purpose intended, with due regard to health and safety.

8.2 The specification of equipment to be provided will be dependant upon the definition of the home worker and the duties of the employee. The line manager should request from IT the equipment needed for the home worker, this must be signed off by the Head of Service. The range of equipment, which could be provided, includes:

- PC/laptop or monitor, keyboard, modem and mouse or laptop with docking station.
- Broadband.
- Surge protection plugs.
- Printer
- Business telephone, such as Voice Over Internet Protocol (VoIP)
- Desk, chair, footstool and/or equipment rack for installation of equipment.
- Lockable storage unit.
- Stationery and other office supplies.

Home Worker (Regular) Equipment: Monitor Keyboard, Mouse, Thin Client Processor, Voice over IP Phone, Secure Broadband Connection. The full IT kit will not be supplied to regular home workers until they have confirmed as part of their trial period that they wish to work from

home for a minimum of 12 months due to the financial implications of setting up a regular home worker.

Field Based Worker Equipment: Laptop or Tablet PC, Docking Station, Monitor, Keyboard, Mouse, Mobile Telephone (OCS enabled), Scanner (on request) Car Kit (on request), Secure Broadband Connection, Voice over IP Phone for home office useage.

Flexible Worker (Occasional Home Worker) Equipment: Pool Laptop and other equipment* as deemed necessary (*upon approval of business case set out by Head of Service).

The Facilities department will provide home workers where necessary with the following health and safety appliances for use in the home office through stationary request:-

- Small First Aid Kit

- 8.3 The line manager will maintain a signed inventory of Council purchased equipment and furniture supplied to the employee, and a copy of this should be sent to HR to be placed on the employee's personal file.
- 8.4 All equipment supplied will be PAT tested to meet current safety standards and be subject to regular safety checks by the line manager in line with relevant legislation. The council will not accept responsibility for any internal supplies to IT equipment (Electrical Supplies) and employees should make their own arrangements for the testing of such Electrical supplies by authorised contractors, including costs.
- 8.5 The Council is responsible for installing, maintaining and servicing Council equipment and will make clear the arrangements for reporting and dealing with faulty equipment. The Council will be responsible for replacing lost, stolen or damaged Council equipment unless the damage or loss occurred as a direct result of an employee's negligence. The employee must immediately report all identified hazards/defects/damage to the line manager for replacement/repair.
- 8.6 The employee will provide reasonable access to enable installation and maintenance of equipment. The Council will be responsible for any IT equipment attached to and from the power supply as long as adequate power breakers are installed and have not been subjected to outside interference.
- 8.7 All equipment and software supplied by the Council will remain the property of the Council and must be returned in good condition should

the home worker move or revert to an office-based role or leave the employment of the Council.

- 8.8 The Council will consider additional or specialist equipment for employees with specialist requirements as part of the assessment of eligibility for home working. In particular, employees may need adaptations to accommodate a disability as recognised under the Disability Discrimination Act 1995. Employees with specialist requirements will be assessed where necessary to ensure the equipment provided is suitable for their particular needs.
- 8.9 The employee is responsible for the ordering and collection of supplies from the office. The employee should make arrangements with their line manager to collect and send work related post, if applicable.

9.0 Use/Misuse of Equipment

All equipment provided by the Council is for Council work only, subject to current Council policies and the code of conduct. The equipment should be operated in conjunction with the instructions and training provided in line with the relevant policies stated. The Council reserves the right to make a deduction from pay for any maintenance/repairs/replacements required due to the misuse by the employee, that are not met by insurance or the Council.

Equipment to be used at home and in the office should be taken directly to / from the employee's home / office, and not left in an unattended vehicle.

10.0 Administration and work performance

- 10.1 The home worker will be required to attend Council offices for Performance Development reviews, regular contact with line manager, customer/employees meetings, all staff meetings and any other meeting; during normal office hours where required and notified by the employee's line manager or the Council.
- 10.2 The home worker remains subject to the Working Time Regulations 1998 with the requirement to take regular breaks and not work more than an average of 48 hours per week, in any 17 week period. A minimum break of 20 minutes every six hours is laid down in the Council's terms and conditions of employment.

- 10.3 Employees will be required to record their working patterns daily including their hours worked at home, using their electronic time sheets which must be saved on a shared drive so that their line manager has access to them.
- 10.4 Business meetings and customer visits must be arranged at a suitable venue away from the home worker's home. Under no circumstances should home workers meet with customers at their home.
- 10.5 Regular pre-planned meetings will be held between the home worker and their line manager in order to maintain their work performance and enable appropriate support to be provided.
- 10.6 Clear objectives/targets/deadlines and performance standards must be agreed in accordance with the Council's PDR scheme.
- 10.7 Annual reviews of the DSE / Work Station Assessment and Safe Working Checklist for Home Workers must be completed between the employee and line manager.

11.0 External difficulties

There may be occasions when circumstances beyond the home workers control mean that work cannot be carried out, for example, a power cut or loss of the internet. It is expected that the home worker should identify other duties that could be carried out at home. However, where this is not possible the home worker would be expected to come into the office to work.

12.0 Contact and communication

The line manager and employee must take joint responsibility to ensure that regular contact and communication between them and the rest of their team is maintained.

The following needs to be agreed between the employee and manager as part of an operational agreement:

- The arrangements for regular contact and communication between the home worker and their line manager, colleagues and other departments within the organisation. The home worker must be contactable during contracted working hours: they must provide their line manager with a phone number they can be contacted on during working hours.

- The requirement for the home worker to visit the office for meetings, staff briefings, training, Performance Development Reviews or any other face to face contact. Ideally these should be at least monthly.
- The arrangements for home visits by line managers, including the frequency, duration and amount of notice to be given.
- The requirements on the home worker to provide access for e.g. routine maintenance and equipment repairs.
- Home workers will be kept as up-to-date and involved with developments in the organisation as office based staff and the means by which this will happen will be agreed e.g. by regular briefings, access to the intranet, staff meetings, staff magazine, newsletters, email, instant messaging, training sessions, etc.
- When, how, and in what circumstances the home worker is expected to be available to speak to clients of the organisation.

13.0 Reporting illness/incidents

Employees working from home must report any sickness/incidents in accordance with the Council's Absence Management policy and reporting procedures. Following sickness absence, the employee must contact their line manager to inform them when they are fit to work. A return to work interview will be conducted when the home worker is fit to work either by telephone or face to face.

14.0 Training and Employee Development

14.1 As a general principle, the following will apply:

- Employees working flexibly or from home are entitled to the same training, personal development, and job or secondment opportunities as other staff.
- Employees working flexibly or from home will not be discriminated against when applying for new posts.

14.2 Home workers will be required to attend training and read the health and safety policy focussing on the following areas:

- Risk assessment and health and safety awareness.
- Display Screen Equipment awareness – Work Station Assessments
- Manual Handling awareness.
- Incident reporting procedures.

15.0 Expenses

- 15.1 If applicable, the Council will cover any associated Internet and telephone call costs where an employee is undertaking Council business at home. Where business calls are made from an employee's personal home telephone these will be separately identified by the employee and reimbursed by the Council on receipt of written evidence through the Expense procedure.
- 15.2 Where an employee is required to spend a large amount of time travelling, e.g. because their main work activity is to visit customers or service users, travel and/or subsistence payments will be paid in accordance with normal conditions of service. Home workers may not claim for journeys to an East Herts office base unless covered by the disturbance allowance scheme. However, managers may agree on an exceptional basis only to reimburse journeys, which are over and above the normal requirements for keeping in contact.
- 15.3 Regular home workers (minimum of 2 days per week at home) are entitled to a tax free allowance of £156 per annum (Inland revenue rate for 08/09 - pro-rata part-time staff), based on inland revenue limits, as re-imbusement for such expenses as heating, lighting and electricity. This is paid on a monthly basis. In the event that the employee is unable to work for more than one month, the Council reserves the right to suspend payment, until such time as the employee is able to resume working from home.

16.0 Confidentiality and security on data

- 16.1 The Council will ensure that appropriate technical security measures are in place and provide suitable equipment to protect the information used by the employee. In order to protect Council data, it will only be possible for the home worker to save on the network and not on the PC hard drive.
- 16.2 It will be the responsibility of the employee to maintain this secure environment in order to safeguard the confidentiality of information and the physical security of furniture and equipment in line with current Council policies and the code of conduct. The Council's policies on data protection, email and internet usage and the Council's code of conduct apply to all staff and should be followed wherever the employee is working whether they are office based, home or field working. All policies are available on the Council's intranet.

- 16.3 Before agreeing to home working, line managers must discuss and be satisfied with the arrangements the employee has for keeping equipment and data safe in their homes and on their computers. IT staff can provide advice where required. Home workers must agree to reasonable requests for access to their homes for the purpose of routine maintenance of equipment and for security assessments and auditing requirements.
- 16.4 If the work involves confidential or personal information, any waste paperwork must either be brought into the workplace for shredding or shredded at the employee's home.

17.0 Tax, insurance, mortgage and moving home

17.1 Home workers will:

- Inform the tax office that they are working at or from home. They cannot claim tax relief on their council tax, but may be able to claim relief on lighting and heating costs. The amount will depend on the size of bills and the number of rooms in the house. Claims should be made direct to the local tax office of the Inland Revenue. The use of one room in the home for work purposes is unlikely to attract capital gains tax, but if a substantial part of the property is being used exclusively for work purposes it could have capital gains tax implications.
- Check their tenancy/mortgage agreements to ensure there are no provisions that prevent home working and inform their mortgage lender/landlord in writing that they will be working at or from home.

Inform their insurance company to avoid the risk of invalidating their home insurance policy and ensure equipment is covered. The policy schedule must be shown to your line manager prior to home working. Employees will not be required to pay business rates as a home worker and employee of the Council

- In the event that an employee moves to another home, the employee must give as much notice as possible (at least one month). The continuation of home working will be subject to the location and facilities of the new home being acceptable to the Council and a complete review of the home working arrangement (including risk assessment) will need to be conducted. Any new arrangement will be subject to a new home working agreement in all cases.

17.2 The Council's liability policies indemnify the Council, its staff and members from claims arising from their official duties. This includes homeworking.

If an employee suffers injury, or personal property is damaged, the Council will not meet any costs unless legally liable.

Home insurance policies usually have a public liability extension.

17.3 The payment of council tax will continue to be the full responsibility of the employee working at home.

18.0 Roles and responsibilities

18.1 Management

- Line managers must ensure that a DSE / Work Station Assessment and Safe Working Checklist for Home Workers is completed and that the employee has entered into a home working agreement to determine their home working status before home working commences and annually thereafter. These are subject to sign off by the Head of Service.
- Line managers must undertake annual reviews to ensure that full account of health and safety issues associated with home working are taken.
- Line managers should ensure that home workers are kept well informed of work developments and, where appropriate, consulted about any changes (in particular reorganisations).
- Line managers must ensure home workers attend training courses to support their duties and ensure proper understanding of health, safety, welfare and security issues.
- Line managers will draw up an operational agreement in conjunction with the employee on contact and communication. This will be subject to sign off by the Head of Service.

18.2 Employee

- The home worker is responsible for exercising reasonable care to prevent unauthorised access to the Council's information systems. The home worker and other designated employees or contractors are the only persons authorised to use the Council's equipment.
- The home worker is responsible for ensuring the confidentiality of Council information and for the safety and security of equipment and

information located at his/her home. The home worker is also responsible for maintaining their working environment to the agreed health and safety standards, notifying any material changes and completing a DSE / Work Station Assessment and Safe Working Checklist for Home Workers annually.

- It is the home worker's responsibility to inform all relevant external bodies of their working arrangements. These include the landlord or mortgage provider, insurance provider and local tax office.
- The home worker must adhere to all Council policies and procedures and comply with the operational agreement.

19.0 Termination and variation of a regular home working arrangement

- 19.1 Regular home working is a permanent arrangement subject to a 3 month trial period. Due to the financial implications of setting up a regular home worker, those employees who during their trial period opt to work from home on a permanent basis (Home Worker – Regular) will be required to do so for a minimum of 12 months (excluding the trial period) before they can give notice to terminate the home working arrangement. However, in exceptional circumstances the Council may agree to the employee returning to office based working before the end of the 12 month period should they request to do so.
- 19.2 It is the line manager's responsibility to record and take action regarding work performance so that if agreed performance targets are not met over an agreed period of time then the home worker may be required to work from an office location. This will be in accordance with the Managing Performance Policy.
- 19.3 Similarly, changes in service provision and business needs may also result in home workers being required to work from an office location.
- 19.4 If there is evidence to believe that health and safety issues are being ignored, the line manager must consult the Health and Safety Officer, who may in consultation with the Head of Human Resources request the suspension of the arrangements while issues are being addressed.
- 19.5 If an employee wishes to change their agreement they have to write to their line manager requesting a change in their working arrangements, giving one months notice. If the Council wishes to terminate a home working agreement it will be subject to one months notice. This is separate from the period of notice that is required to terminate employment set out in the contract of employment.

19.6 Where a home worker is appointed to a new job, the home working arrangement will be reviewed to see if the new post meets the home working criteria. If the post is not suitable for home working the arrangement will be terminated and one months notice given of a change in work location unless otherwise agreed. Home working will only continue if a new agreement is reached.

20.0 Policy Review and Amendment

This Policy shall be reviewed after three years or sooner in line with legislation and best practice.

REGULAR HOME WORKING SUITABILITY CHECKLIST

Name: _____ Line Manager: _____

Service: _____ Directorate: _____

Job Title: _____

The manager is required to complete the suitability checklist in conjunction with the employee. This needs to be considered together with the employee's flexible working application.

When assessing the suitability of the home this needs to be supplemented by a health and safety risk assessment.

The checklist must be signed by both the manager and employee. This should then be signed off by the Head of Service and sent to HR to be kept on the employee's personal record.

The Post	Suitability Yes/No	Comments
Capable of being done from home without having an adverse impact on the quality of service or on other employees.		
Capable of being done without on-going face to face contact with other staff or direct supervision.		
Self sufficient in terms of administrative support.		
Have clear objectives and measurable outputs.		
Requires limited supervision and checking.		
Is not dependent on large numbers of paper files or other work- based records/equipment that cannot be accessed from other locations.		
The work can be performed on an individual basis e.g. drafting/writing reports, planning/reviewing/ researching, computer programming, data entry, word processing.		
The Employee		
Are they self motivated, have self reliance and discipline to work		

without direct supervision.		
Do they have the ability to complete work to scheduled deadlines.		
Do they have initiative, flexibility and time management skills.		
Do they have the ability to communicate well by telephone and in writing.		
Do they feel they are able with reduced social contact and isolation.		
Is the employee flexible so that team/service needs can be met; this might include working from the team location rather than home to cover absence of other colleagues at short notice.		
The Home		
Is the home environment conducive to work and not subject to frequent interruptions/distractions/noise.		
Is there enough space to work comfortably.		
Is there adequate room for storage to maintain confidentiality and ensure security of Council property.		
Does the home where the work will be carried out meet health and safety requirements including a health and safety risk assessment.		
The Team		
Will the arrangement impact on appropriate and fair cover in the office e.g. telephones, visitors.		
Is the team flexible so that the team/ service needs can be met.		
Have the team been consulted on the arrangement and if so are there any issues to be resolved.		

Signed (employee): _____

Date: _____

Signed (manager): _____

Date: _____

Signed (HoS): _____

Date: _____

SAFE WORKING CHECKLIST FOR HOME WORKERS

Name: _____ Line Manager: _____

Service: _____ Directorate: _____

Job Title: _____

Home address: _____

Post Code: _____ Date Completed: _____

Please complete this form for regular home working. It will be used to assist the Council in safeguarding your health and safety whilst you work at home. It should be completed before you start working at home and reviewed on an annual basis.

A DSE / Work Station Assessment must be completed. Please note if you are using potentially hazardous substances a COSHH assessment is also required.

The checklist must be signed by both the manager and employee. This should then be signed off by the Head of Service and sent to HR to be kept on the employee's personal record.

Where you answer 'No' please give further details in the comments column.

General Health & Safety and Emergencies	Yes/No	Comments
Have you attended the Introduction to Home/mobile working workshop?		
Do you have a room at home which will be used specifically as an office base?		
Is there adequate ventilation, reasonable temperature, suitable and sufficient lighting within your home to perform your role effectively and with comfort?		
Is the work area tidy, free from obstructions including waste materials?		
Is combustible material e.g. stationery, stored away from sources of heat?		
Do you have an escape plan? (i.e. know exactly what you would do in an emergency)		
Is a smoke alarm fitted? (Alarms must be tested weekly and battery replaced annually)		
Do you have a first aid kit available whilst working at home?		
Do you know the procedure for reporting any accidents/incidents or work related illnesses while at home?		

Can you make telephone contact with EHDC and vice versa? Do you have a specified contact(s) at work in the event of an emergency?		
Are you aware that you must comply with the normal health and attendance reporting procedures (i.e. as if you were office-based)?		
Do you have childcare arrangements in place?		
Electrical Equipment (Please note that the EHDC is only responsible for equipment it has supplied. Equipment, electrical sockets and other parts of your domestic electrical system are your responsibility.)		
Have you received training/information in how to use any equipment or software in your work?		
Do you check the equipment regularly to ensure it is in a good condition? For example is there any apparent damage or evidence of overheating in any equipment including leads or plugs (e.g. cracked/loose casing, missing screws, discolouration, broken insulation on leads etc.)?		
Is any equipment connected via an anti-surge extension (or similar device) without using multi-plug adaptor?		
Are the cables secure in all plugs and have you ensured there are no trailing wires?		
Has all EHDC equipment been tested? (Must be retested periodically in line with the local policy)		
Manual Handling and Slips Trips & Falls		
Have you received information and/or training providing guidance on manual handling and avoiding slips trips and falls?		
While doing work at home will you carry out abnormal manual handling activities such as handling heavy, unstable or bulky loads, awkward lifting, pushing or pulling etc		Where you answer 'yes' please give further details.
Are all floor coverings sound and without defects?		
Are work areas and walkways clear of tripping hazards e.g. trailing cables, boxes?		

Well-being		
Are you in good health, not suffering from any discomfort or ill health, from working at home (including stress)?		
Security		
Do you have adequate security measures in place in your home – e.g. Are your exit doors secured by a mortise deadlock and/or security bolts? Are your accessible windows secured by key operated window locks?		
Are you aware of your responsibilities in relation to the Data Protection Act (e.g. – work related computer files are password protected, confidential paper files locked away when not in use?)		
Do you consider you are safe when working from home, with little risk of violence?		
Do you have access to a phone in case of emergencies?		

Please use this space to make any further comments:

Signed (employee): _____ Date: _____

IMPORTANT:

- If there are any changes in your health or you make any adjustments to your working conditions, you should inform your Manager as a new self assessment may need to be undertaken
- Expectant mothers – please notify your Line Manager as soon as possible of your pregnancy as an additional risk assessment will need to be undertaken.

Signed (manager): _____ Date: _____

The line manager must review this assessment of the risks which may arise from the work activity and the workplace. The line manager (acting as the employer) has specific responsibilities under the Health and Safety at Work Act 1974 and subsequent statutory regulations.

Signed (HoS): _____ Date: _____

Name of HoS: _____

This section is to be completed by the line manager

Based on the above self assessment please tick the most appropriate overall evaluation of the situation.

- 1. The working environment is satisfactory – working at home may start.
- 2. The working environment requires some adjustment/advice – working at home may start once a plan to make improvements is agreed.
- 3. The working environment is unsatisfactory – working at home may not proceed at present.

If there are any issues indicate what action is to be taken.

Issue/Problem	Recommended Action, Person Responsible and Date for Completion	Priority Rating (Urgent, Important, Useful or Desirable)

Signed (manager): _____

Date: _____

Signed (HoS): _____

Date: _____

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EAST HERTS COUNCIL

LOCAL JOINT PANEL – 3 DECEMBER 2013

HUMAN RESOURCES COMMITTEE – 15 JANUARY 2014

REPORT BY SECRETARY TO THE EMPLOYER'S SIDE

ABSENCE MANAGEMENT POLICY

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

To approve the revised Absence Management Policy.

<u>RECOMMENDATIONS FOR LOCAL JOINT PANEL:</u>	
That:	
(A)	The revised Absence Management Policy be recommended for approval;
<u>RECOMMENDATIONS FOR HUMAN RESOURCES COMMITTEE:</u>	
That:	
(A)	The revised Absence Management Policy be approved

1.0 Background

1.1 The Council's Absence Management Policy was last reviewed in 2009. The Council's programme of policy review is after three years or sooner in line with legislation and best practice.

2.0 Report

2.1 Key changes

2.2 The policy has been updated to reflect changes in legislation, including those in the Equality Act 2010. The policy includes key changes which are in-line with best practice given by the Chartered Institute of Personnel and Development (CIPD), Local Government Association (LGA) and East of England Local Government Association (EELGA).

2.3 The policy links with the Council's Health & Safety Policy, the Stress Management Policy, the Policy and Procedure for Employing and Retaining People with Disabilities, and the Disciplinary policy.

2.4 Whilst the Council's sickness absence is less than many other Councils, continual monitoring of absence is essential to maintain a firm grip on absence. The amendments to the policy include clear expectations of employees in reporting absence and clarity in manager responsibilities in managing attendance, especially in return to work interviews.

2.5 To ensure that absence levels do not increase, this policy is amending the trigger points on which managers take action on sickness.

2.6 The successful management of absence requires managers to be both consistent and sensitive in their conversations with employees. Human Resources will provide coaching to managers to support their actions.

3.0 **Conclusion**

This policy includes measures to prevent increases in sickness absence.

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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i>	People This priority focuses on enhancing the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.
Consultation:	Communication and discussion with UNISON
Legal:	None
Financial:	None.
Human Resource:	Communication implications Coaching for managers required
Risk Management:	None.

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East Herts Council

Absence Management Policy

Policy Statement

**Policy Statement No 1 (Issue No 3)
November 2013**

ABSENCE MANAGEMENT POLICY

Policy Statement No 1 (Issue No 3) November 2013

1.0 Introduction

- 1.1 The Council aims to encourage all employees to maximise their attendance at work while recognising that employees will, from time to time, be unable to come to work for short and sometimes long periods of time.
- 1.2 This policy relates to short-term and long-term sickness absences from work. Short-term is defined where employees are absent for short periods of time; long-term is defined as an absence from work which is 28 days or more.
- 1.3 This policy links with the Council’s Health & Safety Policy, the Stress Management Policy and the Policy and Procedure for Employing and Retaining People with Disabilities and sets out the Council’s obligations to employees under the Equality Act 2010
- 1.4 This policy is not intended for use where health, either mental or physical, leads to performance problems. These matters should be dealt with under the Council’s Managing Performance Policy.
- 1.5 The Council is committed to promoting health and well being, and encouraging employees to take action to improve their own health and well being. This policy provides a fair and consistent framework for supporting staff that are absent due to sickness. Whilst the Council has a supportive approach, it aims to achieve a balance between the needs of the individual and the needs of the organisation.

2.0 Scope

- 2.1 This policy applies to all Council employees except for Chief Officer level and above, where it should be used in conjunction with procedures set out in the Constitution.

3.0 Principles

- The Council takes sickness absence very seriously. Absence levels are monitored on a regular basis by management teams.
- Managers are required to follow this policy to assist them in managing sickness absence.
- Managers will implement reasonable adjustments for employees, where applicable, to encourage attendance at work.
- Employees have a responsibility for their own general health and well being and should seek medical or other support where necessary to minimise their sickness absence from work.
- Employees will be treated, fairly and consistently during times of illness and are encouraged to make use of the support mechanisms available to them.
- Managers have a role in communicating to employees their responsibilities and following sickness reporting procedures.

4.0 Definitions of Absence

Short Term Absence

Short term absence is defined as any period of time where an employee is not at work due to illness for a period of up to four weeks in duration, from the first day of absence (including half days)

Long Term Absence

Long term absence is defined as a period of time where an employee is absent from work due to illness for a continuous period of greater than four weeks.

Other Absence

There may be occasions where an employee is absent from work, which is not related to illness or incapacity. These absences should be recorded and managed in accordance with this policy.

Visits to a GP, dentists or other medical practitioner during the working day are covered within the Council’s General Leave policy.

Unauthorised Absence

Where an employee has claimed to be absent due to sickness, but it is subsequently identified that their absence is not sickness, it will be

considered as unauthorised absence. This may result in loss of pay and disciplinary action.

5.0 Disability Absence

Managers should ensure that they have regard to the Equality Act 2010 and the guidance on employing and retaining people with disabilities when managing the sickness absence of disabled employees.

Disabled employees should not be treated less favourably than other employees and reasonable adjustments should be made both in applying the policy and procedure and in enabling employees to remain in employment appropriate to the individual circumstances of the case.

Disability leave may be considered where a person needs time off every week, every few weeks, every few months or every year for medical appointments, treatments or rehabilitation relating to disability. Disability leave should not be counted towards trigger points.

Managers may need to consider any reasonable adjustments that are necessary to assist an earlier return to work, limit future absence and support the employee in achieving an appropriate level of attendance. Examples of reasonable adjustments could be:

- extending trigger points;
- providing specialist equipment;
- modifying days or hours of work;
- modifying duties

6.0 Responsibilities

Senior Management Responsibilities

- CMT/DMTs are responsible for monitoring absence levels across service areas
- DMTs are responsible for reviewing sickness actions that managers have taken to reduce absence levels

- CMT/DMTs are responsible for promoting health and well-being for their relevant service area

Employees Responsibilities

- To look after their general health and wellbeing and seek medical or other support where necessary to minimise their sickness absence from work.
- To report sickness absence before 10am by telephone call on the first and each day of absence to their line manager providing details of the reason for sickness absence, the anticipated length of absence and any work commitments that may need managing. Texting or emailing is not acceptable.
- To contact their line manager on a regular basis during periods of sickness absence to keep them informed of progress.
- To ensure that a self-certificate is provided for the first 7 days of absence and thereafter all further sickness absence is covered by medical certificate (known as a statement of fitness for work).
- To raise concerns with their manager at the earliest opportunity, if they believe their job is making them ill or contributing to their illness.
- To co-operate fully with their manager, HR and the Council's Occupational Health provider
- Failure to inform the line manager of absence may lead to absence from work being considered as unauthorised absence, which may result in loss of pay and possible disciplinary action.

Managers Responsibilities

- To ensure that all absences are reported to Human Resources
- To conduct 'return to work' interviews after every period of sickness with the employee ideally on their first day back or

within three days of the return to work. A record of the meeting should be made and retained on the employees personnel file.

- To ensure that policy and procedure are applied fairly and consistently with regard to individual circumstances of the case.
- To ensure that all employees within their area of responsibility are aware of the policy and procedure
- To communicate openly and honestly with employees
- To conduct any risk assessments where required in order to manage any health and safety issues in the workplace
- To manage potential health issues proactively
- To maintain regular contact with long-term absent employees
- To work alongside Human Resources and Occupational Health in managing absence

Human Resources

- To report accurate and reliable absence management information.
- To provide support, guidance and coaching as requested to managers in the implementation of this policy
- To ensure that the policy and procedures are applied consistently across the Council
- To advise and support managers on issues relating to disability related sickness.
- To Implement a strategic approach to managing and reducing absence related costs to the Council
- To provide support and guidance on risk and what steps can be taken to minimise or eliminate risk

7.0 Notification and Certification of Sickness Absence

- 7.1 Employees must contact their manager by telephone before 10.00am if they are absent from work due to illness, injury or any other health problem on the first and fourth day of absence. If their manager is unavailable they should contact another member of the team. The employee must also confirm when the sickness started, how long they expect to be away from work and the reason they are sick. In exceptional circumstances, if the employee is too ill to notify their absence themselves then they can arrange for someone to do this on their behalf.
- 7.2 Employees must keep their line managers up to date if the reason for the absence changes or if the absence lasts longer than originally stated.
- 7.3 For each occasion of sickness absence, employees must complete a self-certification form for the first seven calendar days (including weekends and public holidays). Self Certification forms should be countersigned by the line manager, who will forward the documentation to Human Resources.
- 7.4 If the absence continues beyond seven calendar days then the employee must keep their manager informed of the progress of their illness and obtain doctor's certificates to cover every day of sickness (from day eight). In cases of continuing absence these should be consecutive. Employees must forward doctor's certificates immediately to their manager who in turn will forward these onto Human Resources.
- 7.5 Every absence must be certified and recorded to ensure correct payment of sick pay and to ensure that accurate records are maintained. Failure to comply with the certification and reporting procedures may result in loss of sick pay. Misleading or false statements may be dealt with under the Council's Disciplinary Policy.
- 7.6 If an employee is absent from work through sickness they must refrain from working elsewhere. If this situation were to arise it may be dealt with under the Council's Disciplinary Policy.

8.0 Sickness While on Holiday

- 8.1 Employees who have taken leave and subsequently fall ill should contact their line manager on the first day of sickness by 10am and

inform them fully of when they fell ill and will be likely to return. The sickness absence reporting procedure must then be followed.

- 8.2 Whether on leave in this country or abroad, holidays will be reimbursed for time off if it is certified as sickness by a Doctor, and the reporting procedures have been followed.

9.0 Monitoring and Recording Sickness Absence

- 9.1 Human Resources are responsible for producing data for monitoring the sickness absence of all employees of the Council, based on information supplied from all services. Information on the number of staff absent due to sickness will be forwarded to each Director and Head of Service on a monthly basis along with notification of any absence which needs particular management attention due to its duration/regularity or pattern.
- 9.2 Each manager is required to monitor sickness absence levels within their team and take further action as necessary when trigger points are reached (see sections 10 and 11 below) and/or where there are concerns about an employee's absence levels. Heads of Service will receive trigger reports from Human Resources which will be forwarded to the relevant managers for immediate action. Managers must check individuals records at all return to work meetings to ensure that appropriate action is taken.

10.0 Returning to Work

- 10.1 Upon return to work following every period of sickness absence the manager should arrange to meet privately, in an appropriate place, with the employee to conduct a return to work interview. This should happen ideally on the first day back or at least within three days of the return to work.
- 10.2 These discussions are deemed to be informal and should raise any concerns around the individual's absence and attempt to resolve any issues before moving to formal procedures.
- 10.3 In general this discussion should be used to: -
- Discuss the cause of absence
 - Discuss, where appropriate, the working environment and its effect on the individual's health

- Reassure the employee, where appropriate, that there are no concerns about the general level of absence
- Discuss, where appropriate, the general attendance record, and reinforce the Council view of the importance of good attendance

- 10.4 In the case of long-term sickness absence, the discussion should be used to allow consideration of any particular difficulties or concerns the employee may have relating to their return to work.
- 10.5 In agreeing support for returners to work, managers should consider whether a risk assessment is required or further advice is needed from Occupational Health and whether a phased return would be helpful. If the latter is required managers and employees should consider using untaken holiday if it would otherwise be lost, and managers may authorise up to 4 weeks phased return on temporary reduced hours on full pay. After 4 weeks, other alternatives should only be agreed after consultation with Human Resources.
- 10.6 In the case of short-term absence, the discussion should be used to ensure that self certification forms are completed and processed as soon as possible.

11.0 Maintaining Contact

- 11.1 When an employee is absent from work due to sickness it is important that regular contact is maintained between the manager and employee in order to ensure that the employee does not feel isolated, vulnerable or out of touch. The manager may need to reallocate work so that service delivery is maintained. The contact should be handled sensitively and the form of the contact should be agreed with the employee as appropriate. As a minimum the employee should keep their line manager informed throughout the period of absence, on at least a weekly basis.
- 11.2 It may be necessary, particularly in cases of long term sickness absence, to arrange to visit the employee at home, if the employee is in agreement. The home visit should be undertaken by their manager. At least five working days notice will be given to an employee of such a meeting. The employee may request to be supported during this visit.

12.0 Unauthorised Absence

- 12.1 It is the employee's responsibility to make sure they let their manager know at the earliest opportunity if they are unable to report for work

and the reasons why. However where an employee fails to report for work, without informing their manager, it is important that the situation is investigated and the employee given an opportunity to explain. On the first day of absence the manager should make enquiries of colleagues to try and establish the reason for the absence. Failing this, all reasonable efforts should be made to get in contact with the employee to ask for an explanation for their non attendance. If contact cannot be made please refer to the Council's Disciplinary policy.

- 12.2 If the employee gives their reason as sickness they should be reminded of the sickness reporting procedure and advised, if appropriate, that failure to follow the correct reporting procedures could result in disciplinary action being taken under the Council's Disciplinary Policy. Discussions with the employee regarding unauthorised absence should be documented in writing and placed on the employee's personal record file.

13.0 Occupational Health Referral

- 13.1 Referral to the Occupational Health Unit is not a form of reprimand; neither does it imply that the Council doubts that an employee is genuinely sick. It is to ensure that managers have up to date information on an employee's medical condition and can take decisions in the light of that information in the interests of the employee and the Council.
- 13.2 This policy gives guidance on when it might be appropriate for managers to consider a referral to Occupational Health. However, all cases will be considered according to their individual circumstances and nothing in this policy should be read as restricting managers' right to request a referral of an employee to Occupational Health at any time.
- 13.3 If a manager thinks that it is appropriate to refer an employee to Occupational Health they should discuss the circumstances of the case with Human Resources in the first instance.
- 13.4 If a manager wishes to refer an employee to Occupational Health they should complete an occupational health referral form and send it to HR marked as confidential, who will arrange a consultation with the Occupational Health Adviser.
- 13.5 The role of Occupational Health is to be proactive, with the help of managers, to reduce the likelihood of injury or ill health and short and

long-term sickness absence, by discussing the issues with staff at an early stage. The referring manager will receive advice from Occupational Health on the management of the case. This may include risk assessment advice in consultation with the Health and Safety Officer.

14.0 Access to Medical Records

- 14.1 After the initial consultation, the Occupational Health Adviser may decide it is necessary to contact an employee’s GP or specialist to gain further information. If so, they will request either verbally or in writing that the employee complete the Access to Medical Records Form, which will advise them of their rights under the Access to Medical Reports Act 1988. The employee should complete the form and advise whether or not they are prepared to give consent.
- 14.2 If the employee fails to return the consent form, it will be assumed that they have withheld consent. Employees should be made aware that refusal to give consent could mean the Council might have to make a decision on an employee’s capability or conduct with the medical advice available.

15.0 Frequent Short Term Sickness

15.1 Informal Stage

15.2 First Health Review Meeting

- 15.2.1 An employee’s sickness absence levels should be reviewed when one of the following trigger points is reached:
- 7 days sickness absence within any twelve-month period
 - 3 separate periods of sickness absence in any 6 month period;
or
 - A pattern of absence which gives cause for concern, such as frequent absenteeism on a Monday or Friday, or avoiding particular work tasks
- 15.2.3 The manager should consider the trigger points above and if it is felt that there is a potential problem they should convene a First Health Review Meeting with the employee. The manager should write to the employee to invite them to the First Health Review Meeting, giving them at least five working days notice (please contact HR for a template letter).

15.2.4 The aim of the First Health Review Meeting is to:

- Discuss the absence record.
- Explore the reasons for the absence and enable the Council to have an up-to-date understanding of the latest medical situation and prognosis.
- Confirm the expectation of an improvement in attendance.
- Identify areas for support.
- Discuss the need for a risk assessment.
- Consider whether there are any reasonable adjustments which could be made with regard to the employee’s work.
- Set appropriate targets for improvements and an appropriate review period.
- Discuss the effect of past and future absences on the organisation.

15.2.5 The following outcomes may apply:

- Advice may be sought from Occupational Health. It will not normally be necessary at this stage to refer the employee to Occupational Health but if there is evidence of an underlying medical condition or cause for concern where a medical assessment would be helpful, a referral can be made.
- Reasonable adjustments such as changes in workload, work practices or work patterns may be identified.
- A review period should be set with a meeting arranged at the end of the review period to discuss their progress.
- The manager may issue a Verbal Warning.

15.2.6 The manager should write to the employee within 5 working days of the First Health Review Meeting, confirming the points discussed and actions identified. The employee will be informed of the improvements needed in their attendance and advised of the possible consequences if this is not achieved. Please contact HR for a template letter.

15.2.7 An appropriate review period should be set. If at the end of this period of review the employee has reached a sustained acceptable level of improvement, monitoring should revert back to informal arrangements with return to work meetings occurring in the event of further absences. This should be confirmed to the employee in writing (please contact HR for a template letter). Where there is no improvement in attendance, a Second Health Review Meeting should be convened.

16.0 Formal Stage

16.1 Second Health Review Meeting

16.1.1 The manager should write to the employee to invite them to a Second Health Review Meeting, giving them at least 5 working days notice and informing them of their right to be accompanied by a trade union representative or work colleague. Managers should seek advice from Human Resources before convening a Second Health Review Meeting. Please contact HR for a template letter.

16.1.2 The manager should be accompanied at the Second Health Review Meeting by an HR Officer. It is their role to advise on procedure, ensure consistency and equity of treatment and ensure that the letter setting out the decision of the meeting is sent to the employee. The HR Officer may also take notes at the meeting unless the manager decides that an additional note-taker should be present.

16.1.3 The Second Health Review Meeting will reaffirm the issues discussed at the First Health Review Meeting and the following outcomes may apply:

- Advice may be sought from Occupational Health.
- Reasonable adjustments such as changes in workload, work practices or work patterns may be identified.
- A review period should be set with a meeting arranged at the end of the review period to discuss their progress.
- The manager (with delegated authority to issue warnings) can issue a **First Written warning** at this second meeting. A copy of the warning should be kept on employee's personal record file but should be disregarded after twelve months of satisfactory attendance.

16.1.4 The manager must write to the employee within 5 working days of the Second Health Review Meeting confirming the points discussed and actions identified and of the improvements needed in their attendance and advised of the possible consequences if this is not achieved. The letter should also include details of any warning issued, along with the employee's right to appeal. An appropriate review period should be set. Please contact HR for a template letter.

16.1.5 If at the end of this period of review the employee has reached a sustained acceptable level of improvement, this should be confirmed to the employee in writing (please contact HR for a template letter). However, if the employee's attendance deteriorates again within 12

months of the warning being issued, the manager can re-start the formal procedure at the next level (e.g. if a Second Health Review Meeting has already been held and a First Written Warning issued, the manager can start at the Third Health Review Meeting).

16.1.6 If there is still no improvement in absence levels by the end of the review period then the manager will refer the case to the Head of Service to convene a Third (and final) Health Review meeting.

17.0 Third Health Review Meeting

17.1 If the employee's line manager is a Head of Service the Third Health Review Meeting will be held by another Head of Service. If the employee concerned is a Head of Service, the First, Second and Third Health Review Meetings will all be held by the Service Director. For the purposes of this policy 'Head of Service' will be used to describe the person holding this meeting.

17.2 The Head of Service should write to the employee to invite them to a Third Health Review Meeting, giving them at least 5 working days notice and informing them of their right to be accompanied by a trade union representative or work colleague. Heads of Service should seek advice from Human Resources before convening a Third Health Review Meeting. Please contact HR for a template letter.

17.3 The Head of Service should be accompanied at the Third Health Review Meeting by an HR Officer. It is their role to advise on procedure, ensure consistency and equity of treatment and ensure that the letter setting out the decision of the meeting is sent to the employee. The HR Officer may also take notes at the meeting unless the Head of Service decides that an additional note-taker should be present. The manager should also attend the meeting to present the management case.

17.4 The Third Health Review Meeting will reaffirm the issues discussed at the Second Health Review Meeting and the following outcomes may apply:

- Advice may be sought from Occupational Health.
- Reasonable adjustments such as changes in workload, work practices or work patterns may be identified.
- A review period should be set with a meeting arranged at the end of the review period to discuss their progress.
- The Head of Service can issue a **Final Written Warning** at this second meeting. A copy of the warning should be kept on

employee’s personal record file but should be disregarded after twelve months of satisfactory attendance.

- 17.5 The Head of Service must write to the employee within 5 working days of the Third Health Review meeting confirming the points discussed and actions identified and of the improvements needed in their attendance and warned of the possible consequences if this is not achieved. The letter should also include details of any warning issued, along with the employee’s right to appeal. An appropriate review period should be set. Please contact HR for a template letter.
- 17.6 If at the end of this period of review the employee has reached a sustained acceptable level of improvement, this should be confirmed to the employee in writing (please contact HR for a template letter). However, if the employee’s attendance deteriorates again within 12 months of the warning being issued, the Head of Service can re-start the formal procedure at the next level (e.g. if a Third Health Review Meeting has already been held and a First and Final Written Warning issued, the Head of Service can start at the Capability Review Hearing).
- 17.7 Ultimately if there is still no improvement in attendance the Head of Service will need to consider the employee’s employment position. Where two formal warnings have been issued and these have resulted in no sustained improvement in the employee’s attendance then a Capability Review Hearing should be convened. Please contact HR for a template letter. Please see Section 14 regarding Capability Hearings.

18.0 Long Term Sickness Absence

- 18.1 Long term sickness absence occurs when an employee is absent for a continuous period of at least 28 calendar days.
- 18.2 A First Long Term Health Review Meeting, with the employee, will be arranged by the manager if the employee absence levels have met the 28 day trigger or sooner if appropriate. The manager should confirm the invitation to the meeting in writing giving the employee at least 5 working days notice. Please contact HR for a template letter. If the employee is unable to attend a meeting in the workplace then it may be appropriate to hold the meeting at the employee’s home or other mutually agreed location.
- 18.3 The main aims of the First Long Term Health Review Meeting are as follows:-

- To consider the employee’s current state of health
- To explore the reason for the absence and consider any other underlying factors.
- To establish the likely duration of the sickness absence.
- To discuss the employee’s expectations of returning to work.
- To consider any potential impediments to an early return to work.
- To provide information on the appropriate external support services.
- To discuss whether there are any additional areas of support that could be offered to the employee.
- To consider whether the absence is related to a disability and therefore should be dealt with in accordance with the Council’s duties under the Disability Discrimination Act.
- Where necessary, and in accordance with the procedure, refer the employee to Occupational Health for medical advice and support.
- To agree how contact will be maintained during the absence.

18.4 At this meeting the manager will be able to issue a Verbal Warning. A copy of the warning should be kept on employee’s personal record file but should be disregarded after twelve months of satisfactory attendance.

18.5 The manager must write to the employee within 5 working days of the First Long Term Health Review Meeting confirming the points discussed and actions identified. Please contact HR for a template letter.

18.6 Where it is expected the absence will be ongoing, advice should be sought from Occupational Health. The purpose of gaining Occupational Health advice will be to provide an indication of the likely duration of the employee’s absence, recovery period and whether any steps can be taken to help the employee make a successful return to work.

18.7 Depending on advice received from Occupational Health, managers with the advice of Human Resources, if necessary, may agree one or more of the following options:-

- Continue to Monitor – Manager to keep in contact with the individual to consult and consider arrangements for their return.
- Return to Work on Normal Full Duties – When an employee’s GP or Occupational Health states that the employee is fully fit

to return to work. The Manager must arrange a return to work meeting with the employee.

- Rehabilitation – An employee may be experiencing difficulties in undertaking the full range of tasks or coping with the work situation and in these cases managers and Human Resources should consider whether there are any ways the employee can return to their current job and whether any adjustments may be required. These could include; phased returns/modified duties, reduced or changes in hours or changes in work practices.
- Redeployment – Suitable alternative positions may be considered where appropriate, although the Council will not be obliged to create new positions for this purpose. Please see the Redeployment Policy for further information.
- Investigation into whether employee may be eligible for ill health retirement – Please refer to Section 18.

18.8 A Second Long Term Health Review Meeting should be held to review the employee’s progress. This meeting should be attended by the employee’s line manager and Human Resources. The employee is entitled to be accompanied by a work colleague or trade union representative. The manager should confirm the invitation to the meeting in writing giving the employee at least 5 working days notice. Please contact HR for a template letter. If the employee is unable to attend a meeting in the workplace then it may be appropriate to hold the meeting at the employee’s home or other mutually agreed location.

18.9 The manager should be accompanied at the Second Long Term Health Review Meeting by an HR Officer. It is their role to advise on procedure, ensure consistency and equity of treatment and ensure that the letter setting out the decision of the meeting is sent to the employee. The HR Officer may also take notes at the meeting unless the manager decides that an additional note-taker should be present.

19.0 At this meeting the manager (with delegated authority to issue warnings) will be able to issue a **First Written Warning**. A copy of the warning should be kept on employee’s personal record file but should be disregarded after twelve months of satisfactory attendance.

19.1 The manager must write to the employee within 5 working days of the Second Long Term Health Review Meeting confirming the points discussed and actions identified. The letter should also include details of any warning issued, along with the employee’s right to appeal. Please contact HR for a template letter.

- 19.2 A Third Long Term Health Review Meeting should be held before agreeing future actions in relation to the employee’s employment with the Council. This meeting should be attended by the employee’s manager, Head of Service and HR Officer. The employee is entitled to be accompanied by a work colleague or trade union representative. The Head of Service should confirm the invitation to the meeting in writing giving the employee at least 5 working days notice. Please contact HR for a template letter. If the employee is unable to attend a meeting in the workplace then it may be appropriate to hold the meeting at the employee’s home or other mutually agreed location.
- 19.3 At this meeting the Head of Service will be able to issue a **Final Written Warning**. A copy of the warning should be kept on employee’s personal record file but should be disregarded after twelve months of satisfactory attendance.
- 19.4 The Head of Service must write to the employee within 5 working days of the Third Long Term Health Review Meeting confirming the points discussed and actions identified. The letter should also include details of any warning issued, along with the employee’s right to appeal. Please contact HR for a template letter.
- 19.5 Referral to a Capability Hearing for long term absence should take place when advice from Occupational Health has been received and taken into account, all reasonable options for support and individual adjustments to the work place have been considered and appropriate action taken, where ill health redeployment is being actively considered and where two formal warnings have been issued. Please refer to Section 14.

20.0 Capability Review Hearing

- 20.1 Where there are continuing concerns regarding short term absences and a final written warning has been given, or in the case of long term absence options to enable the employee to remain in their current employment have been unsuccessful or are inappropriate and a Final Written Warning has been issued, the employee will be asked to attend a Capability Review Hearing. Please see Appendix A for guidance on convening a Capability Review Hearing. Once a decision is reached to refer to a Capability Review Hearing, a management statement of case should be drawn up (please see Appendix B for example management case).
- 20.1 The purpose of the Capability Review Hearing will be to consider whether there are any further actions that the Council can take to assist

the employee in continuing their employment or whether employment should be terminated due to the employee’s inability to undertake their duties effectively because of their absence.

20.2 The Capability Review Hearing should be convened by the Service Director. If the employee is a Head of Service, a Director who has not been previously involved will conduct the hearing. The employee must be given 10 working days notice in writing of the date of the hearing and should be advised that they have the right to be represented by a trade union representative or work colleague. The employee must also receive a copy of the management statement of case with this letter. Please contact HR for a template letter.

20.3 The Capability Review Hearing may result in one of the following outcomes:

- Further support with a date set for review
- Dismissal (the Head of HR must be consulted on any decision to dismiss)
- Ill Health Retirement or Compassionate Retirement in accordance with the rules and procedures of the Local Government Pension Scheme and Retirement Policy

20.4 The employee will be informed of the decision in person and also in writing within 3 working days of the hearing. Please contact HR for a template letter.

20.5 If there is medical evidence that an employee is no longer fit to fulfil the requirements of the job, the Council reserves the right to terminate employment before the expiry of contractual sick pay.

20.6 Where decisions have been made to terminate employment on the grounds of ill health the employee has the right to appeal against the decision. Please refer to the Appeals Policy.

21.0 Requirement to Provide a Doctor’s Certificate

21.1 Employees who are undergoing close monitoring of absence may be asked to provide a doctor’s certificate from the first day of each absence period. If, as a result of this requirement, the employee incurs a cost this will be refunded, normally through expense claims process.

22.0 Reasonable Adjustments

- 22.1 Under the Equality Act 2010 if an employee, their GP or the Occupational Health Adviser advises the Council that the reason for absence is related to a disability, then the manager must make any possible readjustment to the duties or working environment in order to meet the needs of the individual and therefore increase attendance.
- 22.2 Advice can be sought from Human Resources as to how reasonable adjustment can be made to a job or environment. Guidance on reasonable adjustments is also set out in the Policy and Procedure for Employing and Retaining People with Disabilities.

23.0 Redeployment

- 23.1 Where the Occupational Health Adviser or GP recommends that the employee is unfit for the duties of the individual’s post, but may be able to undertake alternative work, suitable vacancies should be explored into which the employee may be redeployed.
- 23.2 HR will monitor vacancies over a 3 month period to identify a suitable alternative post in accordance with the Redeployment Policy. If this does not prove possible, management should convene a Capability Review Hearing.

24.0 Ill Health Retirement

- 24.1 In rare cases, Occupational Health may advise that an employee is permanently unfit for work. In such situations it will be necessary for the employee to sign a consent form to pursue retirement on ill health grounds so that the required advice can be obtained from two medical sources, one of which will be the Occupational Health Unit.
- 24.2 In situations where an employee disputes the need for ill health retirement, the case will have to be heard in a Capability Review Hearing in order to obtain a dismissal. This process need not prevent the pension being paid.

25.0 Stress

- 25.1 Managers have a duty of care for their staff and have an important role in identifying and reducing stress in the workplace, whether the primary cause of stress is work related or not.

25.2 Guidance can be obtained from Human Resources if stress is identified as a factor in employee absence and managers should also refer to the Stress Management Policy. When stress is identified as a factor in an employee’s absence, the Stress Management Policy should be followed in conjunction with the Absence Management Policy.

25.3 Managers should consider whether to involve Occupational Health and, if appropriate, counselling can be arranged through Human Resources or obtained directly by the employee through self-referral using the Employee Assistance Programme.

26.0 Employee Assistance Programme (EAP)

26.1 The EAP is a confidential advice, information and counselling service that is available to all employees. The EAP can provide specific advice and guidance to employees who are experiencing ill health. Further details can be found on the intranet.

27.0 Dismissal

Employees that have frequent and persistent absence may be dismissed on the grounds of SOSR (some other substantial reason). Managers in such cases must be clear on absence levels and consequences of dismissal. Advice and support will be given by the relevant HR officer.

28.0 Appeal

All employees have the right to appeal against dismissal in accordance with the Council’s Appeals Policy.

29.0 Policy Review and Amendment

This Policy shall be reviewed after three years or sooner in line with legislation and best practice to reflect the best possible level of support and management.

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