

Archived Decisions for the Portfolio Holder for Human Resources 2012



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ARCHIVED PORTFOLIO HOLDER DELEGATED DECISION

1.	2012-07-20 ADMISSION AGREEMENTS - PCC POLICY ON DEFICITS
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(Pages 3 - 8)

2.	2012-09-04 MEMBERSHIP OF THE HEALTHY LIFESTYLE WORKING GROUP
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(Pages 9 - 16)

3.	2012-10-10 PFH REPORT REDUNDANCY SCHEME REVIEW - SEPTEMBER 2012
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(Pages 17 - 28)

4.	2012-12-17 SICKNESS ABSENCE MANAGEMENT POLICY
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(Pages 29 - 50)

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Decisions taken by Individual Portfolio Holders

**Councillor D.E. Davies
Portfolio Holder for Finance**

**Councillor G.W. Ratcliffe
Portfolio Holder for Human Resources**

Decision Taken 20 July 2012

Pension Fund Issues – Outsourcing of Services

DECISION	Reason for decision
<p>a) That past service deficiencies be fully funded at the point of transfer via a notional allocation of Pension Fund assets. Any further deficiencies arising will be funded by the Transferee Admission Body concerned.</p> <p>b) That Powys County Council will guarantee any Pension Fund liabilities arising from the failure of a Transferee Admission Body (to whom it has transferred staff) which remain outstanding on the cessation of the Transferee Admission Body’s participation in the Powys County Council Pension Fund. However, the Council will need to quantify, as far as possible, the liabilities it is to guarantee and to consider it's risk appetite for that level of guarantee.</p> <p>c) That the question as to whether an admission agreement with a Transferee Admission Body be open or closed to new employees appointed to work on the transferred function after the date of transfer, be a matter of agreement between the Council and any Transferee Admission Body.</p>	<p>To address policy issues following changes to the provisions of the Local Government Pension Scheme; the issuing of the Welsh Authorities Staff Transfers (Pensions) Direction 2012; and, the need for the Council to consider a variety of service delivery options going forward that may include outsourcing.</p>

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CYNGOR SIR POWYS COUNTY COUNCIL.

**Portfolio Holders for Finance and Human Resources
July 2012**

REPORT BY: Head of Finance

SUBJECT: Pension Fund Issues – Outsourcing of Services

REPORT FOR: Decision

- 1 Following changes to the provisions of the Local Government Pension Scheme; the issuing of the Welsh Authorities Staff Transfers (Pensions) Direction 2012; and, the need for the Council to consider a variety of service delivery options going forward that may include outsourcing, there are a number of policy issues relating to pensions that require attention.

- 2 These matters relate to the Council as an employer participating in the Local Government Pension Scheme as distinct from its role as the administering authority of the Powys County Council Pension Fund. As such an employer, where the Council outsources a service that includes the transfer of staff, a number of issues relating to pension provision arise, particularly where staff are to remain subject to the LGPS via an admission agreement between the contractor (a "Transferee Admission Body") and the Pension Fund.

- 3 The Council as a ceding employer needs to consider the following matters and take a view on each as a matter of policy:
 - a) How is any past service deficit attaching to transferred members of staff to be funded, beyond the transfer date and by whom;
 - b) What financial guarantee / underwriting of potential Pension Fund liabilities attaching to a Transferee Admission Body are the Council willing to bear;
 - c) Should such admission agreements be open or closed to new employees appointed post transfer date who work on the transferred function.

Each of these issues is examined in more detail below.

4. The funding of past service deficiencies relating to the employees of an LGPS employer such as the Council are usually funded via an

individual adjustment applied to the common contribution rate payable by Fund employers in respect of their employees future service accrual. At the 2010 Triennial Valuation of the Powys County Council Pension Fund the common contribution rate was 14.8% of pensionable payroll. However, the Council is currently paying 23.2% of pensionable payroll – the extra 8.4% is to fund, over a period of years, the current past service deficiency in respect of Powys County Council employees and former employees.

On transferring staff, who are members of the LGPS, to another body the past service deficiency attaching to those members needs to be dealt with. This is usually done in one of three ways:

- a) The ceding employer notionally transfers sufficient Pension Fund assets to the Transferee Admission Body so that the deficiency is 100% funded at the date of transfer. This leaves the Transferee Admission Body to fund the future service accrual of transferred staff and any past service deficiency arising in the future in respect of those staff.
- b) The ceding employer retains liability for funding the deficiency in full, irrespective of future changes to the deficiency. In this case, the Transferee Admission Body is solely responsible for funding the future service accrual of transferred staff, even though its actions as an employer may vary the past service deficiency extant at the date of transfer or indeed create a new deficiency going forward.
- c) The past service deficiency is crystallized at the date of transfer and the ceding employer retains liability for it at that level, with any future variation arising as a result of the Transferee Admission Body's actions being funded by that body.

All approaches are used although that set out in a) is perhaps the most common. In addition, approach c) is extremely difficult to use in practice and tends to markedly increase actuarial costs because of the close monitoring required. It should be noted that none of these approaches is entirely risk-free to either the ceding employer or the Transferee Admission Body. Moreover, any additional pension costs arising from the use of these approaches, is likely to result in the Transferee Admission Body requiring increases to the charges it levies against the Council for the provision of the service concerned.

5. Whilst the Pension Fund will require any Transferee Admission Body to purchase and maintain an indemnity or bond to protect the Pension Fund against liabilities arising where the body becomes insolvent, there is an additional need to ensure that the Pension Fund is protected where such an indemnity or bond proves to be insufficient.

To mitigate this possibility it is usual for the ceding employer to underwrite / guarantee the Transferee Admission Body's pension

liabilities so that the Pension Fund is fully protected. Therefore, the Council should consider what level of risk it is willing / able to bear in respect of any external outsourcing that results in a transfer of staff and where those staff remain subject to the LGPS.

6. The matter of open / closed arrangements in respect of new employees appointed post transfer date needs to be addressed. It should be noted that such a member of staff could have rights under TUPE to transfer to the Council if reversion of the contract occurs. Moreover, had the outsourcing not occurred, any new member of staff appointed by the Council would have an automatic right of entitlement to join the LGPS.

The above notwithstanding, this matter is often determined via consultation and negotiation with the Transferee Admission Body.

7. Portfolio holders are asked to agree the following recommendations in respect of any future admission agreements arising from a transfer of staff to a Transferee Admission Body:
 - a) That past service deficiencies be fully funded at the point of transfer via a notional allocation of Pension Fund assets. Any further deficiencies arising will be funded by the Transferee Admission Body concerned.
 - b) That Powys County Council will guarantee any Pension Fund liabilities arising from the failure of a Transferee Admission Body (to whom it has transferred staff) which remain outstanding on the cessation of the Transferee Admission Body's participation in the Powys County Council Pension Fund. However, the Council will need to quantify, as far as possible, the liabilities it is to guarantee and to consider its risk appetite for that level of guarantee.
 - c) That the question as to whether an admission agreement with a Transferee Admission Body be open or closed to new employees appointed to work on the transferred function after the date of transfer, be a matter of agreement between the Council and any Transferee Admission Body.

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Decisions taken by Individual Portfolio Holders

**Councillor G.W. Ratcliffe
Portfolio Holder for HR**

Membership of the Healthy Lifestyle Working Group

Decision Taken 4 September 2012

Recommendation:	Reason for Recommendation:
To agree to Beryl Vaughan continuing to be a member of the Healthy Lifestyles working group in a lay person capacity.	To enable Beryl Vaughan to continue as a valued resource on the working group which will assist in enabling the group to achieve it's objectives.

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CYNGOR SIR POWYS COUNTY COUNCIL.

**PORTFOLIO HOLDER DECISION
August 2012**

REPORT AUTHOR: Organisational Development Manager

SUBJECT: Membership of the Healthy Lifestyle Working Group

REPORT FOR: Discussion and Decision

Summary

This report is requesting agreement for Beryl Vaughan to continue to be a member of the Healthy Lifestyles Working Group. As a Councillor Beryl has been an active member of the group since 2005 and she has assisted the working group as it progressed through the Welsh Government's Corporate Health Standard to successfully achieving the highest award, the Platinum Standard in June this year. This report is proposing Beryl Vaughan continues as a lay member of the group in an unpaid capacity as she no longer holds the role of Councillor.

Proposal

The Welsh Government's Corporate Health Standard (CHS) is predominately aimed at employers and helping them to focus on how they can assist staff to improve their own health and wellbeing. The CHS helps employers to assess and improve the facilities they offer and improve the supporting processes, policies, communication and involvement of staff and the monitoring of progress. One of the main tasks is to raise awareness of issues that affect health and wellbeing and to sign post staff to external bodies that can help them, and to give staff access to initiatives that enable them to trial different things for example the cycle solutions scheme, the health fairs, lifestyle screening, Nordic walking, healthy eating promotion at our restaurants etc. The attached action plan helps to give a more detailed overview of the extent of the activities covered by the working group in line with the CHS.

To achieve the Platinum standard we (the employer) have to show how we exercise our Corporate Social Responsibility and the extent to which we acknowledge and work towards sustainability with regard to the services we deliver within the community and the partners, contractors and suppliers we engage with. The members of the working group are staff from across various service areas who have an obvious link to the requirements of the CHS i.e. leisure, health & safety, catering, facilities management, procurement etc. As the CHS is focused on the employer's responsibilities the group also has membership from our Councillor's and our Unions.

This is a very positive working group as it is focused on developing improvements for our staff and members of the public and the members of the group are able to be innovative and develop their ideas to try new initiatives. They do this in addition to their day job so the additional support and input from our Councillors' and Union members is greatly appreciated. Beryl Vaughn has always promoted health and wellbeing initiatives and she is active in supporting Rekindle which focuses on helping individuals with mental health problems. We feel it would be beneficial to allow Beryl to continue with the working group as her enthusiasm to help enables us to achieve many things.

Powys Change Plan

The Corporate Health Standard initiative within Powys goes by the title of Healthy Lifestyles and it's remit as explained above supports the initiatives of the Powys Change Plan and in particular the initiatives covered under 'workforce' and 'climate change'. The risk to the Authority would be a lack of support and buy in to the initiative to enable it to continue to develop and make improvements for our staff and members of the public along with the relationship we have with other partners, contractors and suppliers as mentioned.

Options Considered/Available

As set out above.

Preferred Choice and Reasons

As set out above.

Sustainability and Environmental Issues/Equalities/Crime and Disorder,/Welsh Language/Other Policies etc

The Platinum standard recognises employers who can demonstrate business excellence, taking full account of their corporate social responsibility (CSR). It recognises employers who demonstrate sustainable development as an integral part of their business practice and culture. Sustainable development is encouraging joined up activities that can meet environmental, economic and social goals simultaneously. It's about moving beyond legal compliance to integrating CSR behaviour into our core values and recognising the business benefits that we can achieve.

Transport	<ul style="list-style-type: none"> ➤ A Green Travel Plan ➤ Reducing the need for travel or eliminate unnecessary journeys ➤ Offering pleasant surroundings for pedestrians in and around our buildings ➤ Supporting and promoting working from home ➤ Providing good cycle facilities and cycle pools ➤ Planning to use lower carbon options for transport i.e. pool cars and lease cars ➤ Actively encouraging use of public transport
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Procurement	<ul style="list-style-type: none"> ➤ Implementing a procurement policy that includes sustainable procurement ➤ Supporting local small and medium enterprises by communicating with them and purchasing a specified proportion of goods from them ➤ Considering running costs and disposal costs in tender specifications ➤ Reducing the travel distance of procured goods and services ➤ Providing sustainable procurement training ➤ Procuring cleaning chemicals and paints that are low in toxicity and emissions ➤ Buying goods that are biodegradable, made from recycled material or re-usable
Facilities Mgmt	<ul style="list-style-type: none"> ➤ Putting in place systematic procedures to monitor and improve performance i.e. energy consumption, waste, chemical use ➤ Ensuring operational procedures and equipment encourage energy efficiency i.e. energy saving light bulbs, insulation, switching off lights when not needed ➤ Reducing waste through recycling and re-use ➤ Reducing water consumption i.e. low flush toilets, drinking fountains ➤ Reducing excessive chemical use and purchase products with low volatility and emissions ➤ Providing usable green areas ➤ Providing training on green house keeping
Capital Build	<ul style="list-style-type: none"> ➤ Designing new buildings that maximise natural light and ventilation ➤ Incorporating usable green space ➤ Providing facilities beyond your business i.e. crèche, cafes, meeting rooms ➤ Recycling construction waste ➤ Considering location and transport issues as part of the planning process ➤ Considering energy use as part of the construction phase and the operational phase of the building ➤ Using recycled and/or locally procured materials where possible
Employment Skills	<ul style="list-style-type: none"> ➤ Co-ordinating an employment strategy that includes providing opportunities for disadvantaged groups, providing training and skills opportunities for staff and welfare at work ➤ Targeting locally disadvantaged groups for recruitment schemes and education and training schemes to help people into work
Community Engagement	<ul style="list-style-type: none"> ➤ Having effective feedback systems, open days, mail shots, with the community ➤ Working with local groups, voluntary sector, local health authorities, on projects that contribute to improving public health ➤ Opening facilities to the local community, green areas, gyms etc. ➤ Collaborative working that supports or helps develop innovative or best practice within other organisations e.g. mentoring smaller organisations to support them in developing workplace

	health policies
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Children and Young People's Impact Statement - Safeguarding and Wellbeing

N/A

Local Member(s)

N/A

Other Front Line Services

N/A

Support Services (Legal, Finance, HR, ICT, BPU)

The Risk and Resilience Manager has confirmed that there are no insurance issues with this arrangement.

Local Service Board/Partnerships/Stakeholders etc

N/A

Communications

N/A

Statutory Officers

The Strategic Director, Law & Governance (Monitoring Officer) asked for the comments of the Risk and Resilience Manager (see above).

Members' Interests

The Monitoring Officer is not aware of any specific interests that may arise in relation to this report.

Recommendation:	Reason for Recommendation:
To agree to Beryl Vaughan continuing to be a member of the Healthy Lifestyles working group in a lay person capacity.	To enable Beryl Vaughan to continue as a valued resource on the working group which will assist in enabling the group to achieve it's objectives.

Relevant Policy (ies):			
Within Policy:	Y / N	Within Budget:	Y / N

Relevant Local Member(s):	
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Person(s) To Implement Decision:	
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Date By When Decision To Be Implemented:	
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Contact Officer Name:	Tel:	Fax:	Email:
Lisa Griffiths Organisational Development Manager			

Background Papers used to prepare Report:

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Decisions taken by Individual Portfolio Holders

**Councillor G.W. Ratcliffe
Portfolio Holder for HR**

Review of Redundancy Compensation

Decision Taken 10 October 2012

DECISION	Reason for Decision:
<p>That The Portfolio Holder for HR, on behalf of Executive Cabinet adopt the terms of the revised scheme in accordance with the proposal set out in section 2 of the report, from 1st January, 2013.</p>	<p>The revised scheme is more affordable for the Council whilst still affording employees adequate compensation where redundancy is inevitable.</p> <p>To comply with a timescale that will allow consultation with Trade Unions and employees and communication of the new scheme principles.</p>

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CYNGOR SIR POWYS COUNTY COUNCIL

Portfolio Holder – Human Resources
28th September, 2012

REPORT AUTHOR: Karen Williams, Head of Human Resources

SUBJECT: Review of Redundancy Compensation

REPORT FOR: Decision

1.0 Introduction

- 1.1** Statutory compensation for redundancy is on a 30 week sliding scale based on 'weeks pay' (£430 before tax as of 1st February, 2012) as at continuous service and age. Local Authorities have local flexibility to put in place a discretionary scheme over and above the 30 weeks up to a maximum of 104 weeks at actual pay.
- 1.2** If Local Government employees are over 55 and in the LGPS when they are made redundant the Council must pay to release their pension benefits.
- 1.3** Redundancy compensation is designed to compensate an employee for loss of salary to give them time to seek alternative employment.
- 1.4** The current redundancy compensation scheme of a sliding scale up to 78 weeks has been in place since 2008, with revisions implemented in 2011. The current scheme replaced a flat-rate scheme of 78 weeks' compensation regardless of continuous service or age. It is recognised that a strategic approach is required in order to meet the significant financial and organisational challenges ahead; critical to this is how we manage organisational change and the likelihood of a reduction in the workforce. A review has therefore taken place in order to identify a refreshed redundancy compensation scheme which seeks to achieve a fair balance between greater affordability for the organisation and adequate compensation for loss of employment for individuals.
- 1.5** The adaptation to the current scheme in 2011 was the off-setting of the cost of allowing employees over the age of 55, who are entitled to access their pension when made redundant against the cost of redundancy and balancing the cost for employees of all ages when compared with length of service. Where the employees redundancy compensation element would reduce below the statutory minimum there is an uplift to ensure they are entitled to at least the statutory minimum.
- 1.6** In identifying options for consideration, the review considered a range of schemes based on achieving certain outcomes, which are:

- Encouraging greater uptake of redeployment opportunities within the organisation, thus retaining key skills and experience;
- Reducing the cost to the organisation where redundancy is inevitable;
- Providing adequate compensation for employees where redundancy is inevitable;
- Retaining the flexibility to off-set the costs of accessing pension entitlements against discretionary redundancy compensation;

2.0 Proposal

2.1 The proposal is to introduce a new Redundancy Compensation Scheme based on a formula using the employee's length of service and actual weekly pay on a sliding scale, capped at 45 weeks. This presents a more attractive scheme financially for the Council when compared with the current scheme. In addition this option may encourage more people to accept alternative employment within the Council.

2.2 Those employees aged 55 or over who are made redundant will be able to access their benefits under the Local Government Pension Scheme and will also qualify for a statutory redundancy payment (at actual pay) of up to a maximum of 30 weeks, dependant on age and length of service.

2.3 In circumstances where the cost of the total package (including pension strain) for an employee in the over 55 category amounts to less than that for an employee aged 54, in the under 55 category (with the same amount of service), the Council will make a payment equivalent to the difference in cost.

Sliding scale - Max 45 wks	
Service (yrs)	No. of weeks' pay
2	4.5
3	6.75
4	9
5	11.25
6	13.5
7	15.75
8	18
9	20.25
10	22.5
11	24.75
12	27
13	29.25
14	31.5
15	33.75
16	36
17	38.25
18	40.5
19	42.75
20	45

3.0 Additional considerations

3.1 A table showing a comparison of costs when comparing the 78 weeks sliding scale, statutory and proposed schemes using 15 employees that were actually made redundant under the 78 weeks sliding scale is shown at Appendix 2. Please note this comparison does not take into account any off-setting of costs of accessing pension entitlements.

3.2 Discussions with WLGA in 2011 inform us that several Local Authorities have revised their redundancy compensation schemes. The details are as follows:-

- Of the 22 Local Authorities in Wales 18 reviewed their schemes in 2010/11;
- Only 5 still pay any added years as part of their scheme;
- All pay actual pay and not the statutory weeks pay (2 cap at either scp 49 or £450);
- 5 have schemes that rationalise payments for those who are able to have their pension benefits released – so discretionary payments are reduced by the cost of pension release (as long as this does not result in redundancy element reducing below 30 weeks statutory weeks pay);
- 3 have schemes that offer higher benefits for voluntary redundancy than compulsory;
- Increasingly Schools schemes are being harmonised with Local Authorities – PCC currently non-teaching staff are entitled to PCC scheme, teachers maximum of 30 weeks at actual pay. TPS – release of pension benefits discretionary and not compulsory at 55. Teachers pension benefits are significantly more favourable compared to LGPS.

Weeks	No of LA's discretionary
104	1
85	1
78	1
75	1
66	5
60	3
52	1
49.5	1
45	7
36	1

3.3 In summary, discretionary payments are on a sliding scale the same as PCC and range between 36 weeks and 104 weeks, although most sit at 45 weeks.

3.4 At a workshop of the Employment Policy group consisting of some Members, Heads of Service, Managers, HR Officers and Trade Unions in September, 2011 a focus group discussion was held around the proposed options and other Local Authorities schemes. Overall the opinion was that moving to a sliding scale of up to 45 weeks, with continued off-setting was a reasonable approach. This being on the basis it is higher than the statutory scheme, lower than the current scheme and is the same as most of the other Local Authorities in Wales. In addition the scheme:-

- Encourages greater uptake of redeployment opportunities within the organisation, thus retaining key skills and experience;
- Reduces the cost to the organisation where redundancy is inevitable;
- Provides adequate compensation for employees where redundancy is inevitable;
- Retains the flexibility to off-set the costs of accessing pension entitlements against discretionary redundancy compensation;

Corporate Improvement Plan

N/A

Options Considered/Available

1. Not to have a revised Redundancy Compensation Scheme.
2. To have a revised Redundancy Compensation Scheme.

Preferred Choice and Reasons

Option 2 is the preferred choice: The new scheme is more affordable for the Council whilst still affording employees adequate compensation where redundancy is inevitable.

Option 1 remains a viable but more expensive choice.

Sustainability and Environmental Issues/Equalities/Crime and Disorder/Other Policies

N/A

Other Front Line Services

Support Services (Legal, Finance, HR, ICT, BPU)

Legal – Legal Services are content with the recommendation.

Finance – This proposal will reduce the cost of redundancy to the Council, and there are no financial implications with the implementation of the new policy.

Communications – Following consultation with all employees and Trade Unions (Non-Schools) launch revised scheme with all list email communication, an article in Cywsllt / Connect and payslips for non office-based staff.

Statutory Officers

Monitoring Officer – The recommendation is supported. Once the Portfolio Holder's decision has been through the consultation process, the matter should be referred back to Cabinet for decision.

Section 151 Officer - Redundancies are considered on a business case basis, unless there is some external factor, such as the withdrawal of grant funding. The reduction in the value of redundancy compensation will mean the business case test will be easier to satisfy. The counter is that less staff may be attracted to come forward for a less beneficial scheme and that redundancy decisions will be seen more as a result of compulsion.

Recommendation:	Reason for Recommendation:
That The Portfolio Holder for HR, on behalf of Executive Cabinet adopt the terms of the revised scheme in accordance with the proposal set out in section 2 of the report, from 1st January, 2013.	The revised scheme is more affordable for the Council whilst still affording employees adequate compensation where redundancy is inevitable. To comply with a timescale that will allow consultation with Trade Unions and employees and communication of the new scheme principles.

Relevant Policy (ies):	Redundancy Policy
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Contact Officer Names:	Tel:	Fax:	Email:
Mark Evans, Employment Services Senior Manager & Lesley Rossiter, HR Manager	01597 826303 01597 826070	01597 826215	mark.evans@powys.gov.uk lesley.rossiter@powys.gov.uk

Councillor Gareth Ratcliffe, HR Portfolio Holder

This Policy is /is not required to be considered by the Council's Cabinet or Scrutiny Committees before it can be considered authorised (Please delete)

..... (Signature) (Date)

..... (Print Name)

Appendix 1 - Statutory Redundancy Scheme Ready Reckoner

Service (yrs)	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Age																			
18	1																		
19	1	1½																	
20	1	1½	2																
21	1	1½	2	2½															
22	1	1½	2	2½	3														
23	1½	2	2½	3	3½	4													
24	2	2½	3	3½	4	4½	5												
25	2	3	3½	4	4½	5	5½	6											
26	2	3	4	4½	5	5½	6	6½	7										
27	2	3	4	5	5½	6	6½	7	7½	8									
28	2	3	4	5	6	6½	7	7½	8	8½	9								
29	2	3	4	5	6	7	7½	8	8½	9	9½	10							
30	2	3	4	5	6	7	8	8½	9	9½	10	10½	11						
31	2	3	4	5	6	7	8	9	9½	10	10½	11	11½	12					
32	2	3	4	5	6	7	8	9	10	10½	11	11½	12	12½	13				
33	2	3	4	5	6	7	8	9	10	11	11½	12	12½	13	13½	14			
34	2	3	4	5	6	7	8	9	10	11	12	12½	13	13½	14	14½	15		
35	2	3	4	5	6	7	8	9	10	11	12	13	13½	14	14½	15	15½	16	
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14½	15	15½	16	16½	17
37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15½	16	16½	17	17½
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16½	17	17½	18
39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17½	18	18½
40	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	18½	19
41	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	19½

42	2½	3½	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½
43	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
44	3	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½
45	3	4½	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
46	3	4½	6	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½
47	3	4½	6	7½	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
48	3	4½	6	7½	9	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½
49	3	4½	6	7½	9	10½	12	13	14	15	16	17	18	19	20	21	22	23	24
50	3	4½	6	7½	9	10½	12	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	24½
51	3	4½	6	7½	9	10½	12	13½	15	16	17	18	19	20	21	22	23	24	25
52	3	4½	6	7½	9	10½	12	13½	15	16½	17½	18½	19½	20½	21½	22½	23½	24½	25½
53	3	4½	6	7½	9	10½	12	13½	15	16½	18	19	20	21	22	23	24	25	26
54	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	20½	21½	22½	23½	24½	25½	26½
55	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22	23	24	25	26	27
56	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	23½	24½	25½	26½	27½
57	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25	26	27	28
58	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	26½	27½	28½
59	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28	29
60	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	29½
61+	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	30

Appendix 2

Example	Age on Leaving	Length of Service (yrs)	Weekly Pay	78 wks max Scheme	Statutory Scheme	45 wks max scheme
Mr A	48	2	£781.33	£6,094.37	£1,290.00	£3,515.99
Mrs B	55	15	£570.20	£33,356.70	£9,030.00	£19,244.25
Ms C	30	2	£282.93	£2,206.85	£860.00	£1,273.19
Ms D	52	6	£12.59	£294.61	£3,870.00	£169.97
Mrs E	36	5	£234.23	£4,567.49	£2,150.00	£2,635.09
Ms F	50	12	£662.58	£31,008.74	£7,095.00	£17,889.66
Mr G	51	32	£503.92	£39,305.76	£10,750.00	£22,676.40
Mrs H	50	2	£176.95	£1,380.21	£1,290.00	£796.28
Mr I	62	11	£323.92	£13,896.17	£7,095.00	£8,017.02
Mrs J	37	11	£171.85	£7,372.37	£4,730.00	£4,253.29
Mrs K	40	2	£106.17	£828.13	£860.00	£477.77
Mrs L	57	20	£645.55	£50,352.90	£12,040.00	£29,049.75
Mrs M	52	9	£355.89	£12,491.74	£5,805.00	£7,206.77
Mrs N	37	7	£341.41	£9,320.49	£3,010.00	£5,377.21
Ms O	37	4	£319.63	£4,986.23	£1,720.00	£2,876.67
			Total	£217,462.76	£71,595.00	£125,459.31
		Difference (saving) compared with current scheme			£145,867.76	£92,003.45

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Decisions taken by Individual Portfolio Holders

**Councillor G.W. Ratcliffe
Portfolio Holder for HR**

Sickness Absence Policy and Procedures

Decision Taken 17 December 2012

DECISION	Reason for Decision:
That the Sickness Absence Policy and Procedures be approved.	To set out roles and responsibilities.

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CYNGOR SIR *POWYS* COUNTY COUNCIL Sickness Absence Policy & Procedures

Status	Version 1
Date of Issue	December 2012
Date of Previous Issue	New Item
Agreed by	Portfolio Holder for HR
Review Date	December 2014

Cyngor Sir Powys County Council Sickness Absence Policy & Procedures

Contents:	Page
1 Roles and responsibilities	3
2 Notification of Absence & Medical Certification – Occupational Sick Pay	4
3 Unauthorised Absence	7
4 Managing Long Term Absence	7
5 Managing Short Term and Frequent Absence	12
6 Sickness Absence and Holiday Entitlements	16
7 Hospital and Dental Appointments	17
8 Industrial Injury / Accident at Work	18
9 Occupational Sick Pay	18

SICKNESS ABSENCE POLICY & PROCEDURES

The Sickness Absence Policy and Procedures form part of the Council's Sickness Absence Framework and should be read in conjunction with the Absence Management Guidance and Sickness Absence Template Letters and Forms.

1.0 Roles and Responsibilities

1.1 **Heads of Service** have overall responsibility for the effective management of sickness absence in their service areas.

1.2 Within each service area however, **managers** are responsible for supporting, monitoring, recording and controlling absence on a day to day basis.

1.3 **Human Resources** have a corporate role in supporting, monitoring and advising managers on the formal management of absence in the Council. HR Advisers should be consulted when managers require guidance in addition to that contained in this framework or when they are considering taking formal action.

1.4 **All employees** of Powys County Council have a role to play in endeavouring to minimise their own absence. Officers therefore have a responsibility to:

- Attend work unless unfit to do so;
- Report absences as defined within, and in accordance with, this procedure;
- Submit appropriate documentation for all periods of absence in accordance with the policy and produce evidence of sickness in accordance with the policy. Failure to do so may result in suspension of payment of occupational sick pay (see part ?? of the Guidance section for further details);
- Keep in contact with the manager during any period of absence and, subject to genuine practical constraints (e.g. hospitalisation) advise of all of the developments relating to the absence. Failure to do so may result in non-payment of occupational sick pay;
- Take reasonable care of their own health and safety;
- Refrain from undertaking activities during sickness absence, whether paid or unpaid, that may adversely affect a return to work (unless advised to do so as part of a rehabilitation programme). Medical advice must be sought if the effect of an activity is unclear;
- Attend for medical examination or meetings as required where a medical condition is causing concern. This includes attendance at Occupational Health appointments;
- Not abuse the sickness absence procedures or occupational sick pay scheme. Any abuse will be dealt with under the Disciplinary Policy;

1.5 Roles and Responsibilities under the Sickness Absence Policy are summarised in the table on the following page:

Please note there are references to some aspects being processed through iTrent, the HR/Payroll System and some references to aspects being processed through forms. This is because some managers will use people manager to process absence and some do not have access to this system currently.

Implementing the Framework		
Action	Lead Responsibility	Relevant Documentation
Notification of Absence	Employee	iTrent/ Notification of Absence & Return to Work Form
Ensure all absences correctly recorded	Manager	iTrent
Maintain contact throughout absence	Employee & Manager	
Record using communication sheet all conversations and contact with absent employees	Manager	Communication Form
Provide Self Certificate for absence up to and including 7 calendar days	Employee	SC1 Form
Provide medical confirmation of absence for over 7 calendar days	Employee	Fit note from Medical Practitioner
Conduct and write up welfare visits	Manager	Invite letter and Notes pro forma
Refer to OH	Manager/ Employee	Referral form
Return to Work Interview	Manager & Employee	Return to work interview form. Held on Personal file
Gather Medical Information	OH	
Set action plan	Manager	
Write Management Report	Manager	Pro forma report
Write invitation to hearing letter	Manager	Pro forma letter
Monitor absences looking for trigger points (section 5)	Manager	
Ensure all absences monitored	Manager & HR Adviser	iTrent report

1.6 Confidentiality

Access to sensitive information relating to an employees absence will be restricted to only those who have a legitimate interest in managing an employees absence and compliance will be maintained with the Data Protection guidance in managing personal records.

2.0 Notification of Absence & Medical Certification – Occupational Sick Pay

2.1 Notification of absence and medical certification is a contractual responsibility for all employees. An employee shall not be entitled to claim Occupational sick pay under the scheme unless:

(i) notification is made within one hour (unless your service area stipulate otherwise i.e. care work) of your normal work start time to the person identified for this purpose by the service;

(ii) further notification is made as required by this Sickness Absence Policy & Procedure;

(iii) a doctor's statement/fit note is submitted to the authority not later than the eighth calendar day of absence;

(iv) subsequent doctor's statements/fit notes are submitted as necessary (no later than 7 days after any previous note expired);

(v) on return to work the employee signs an SC1 statement detailing the reasons for absence for all absences up to and including seven days.

- 2.2 Any absences that do not satisfy the above criteria will not be paid at the rate of Occupational Sick Pay. The Statutory Sick Pay rate may be paid if the absence is certified later.
- 2.3 Non-payment of Occupational Sick Pay differs from the Suspension of Occupational Sick Pay as outlined in section 9 of this Policy and Procedure. Suspension of Occupational Sick Pay relates to matters such as abuse of the Scheme and non-payment of Occupational Sick Pay relates to not meeting contractual obligations in relation to entitlement of Occupational Sick Pay.
- 2.4 Employees making misleading or false statements in relation to sickness absences may be dealt with through the Action Deemed to be Misconduct section of this Policy and Procedure.
- 2.5 As identified above, for absences of up to and including 7 calendar days an **SC1 form** must be completed by the employee. If the absence lasts for 8 days or more the employee must provide a '**Fit Note**'; signed by their GP (guidance on using fit notes can be found at (Intranet [page 6275](#) and page 3 of the Guidance); to clarify the reason for the absence and likely timescales. Employees who experience difficulty in obtaining a GP appointment should inform their manager as soon as possible so consideration may be given to extending the deadlines as outlined above.
- 2.6 Whilst it is the employees responsibility to obtain certificated cover i.e. SC1 or Fit Note, for their full period of absence the manager should ensure certification is received when it is due.
- 2.7 In some circumstances an employee may feel well enough to return to work prior to the expiry of a fit note. In such circumstance advice may be taken from Occupational Health by a manager on necessary considerations for agreeing to an earlier return.
- 2.8 Where an earlier return is agreed it is necessary for the Council's insurance that the manager ensures reasonable precautions have been taken to ensure the employee is fit to return to work and is supported in their return. It is essential that the manager documents these discussions and seeks advice from HR and/or the insurance section to ensure reasonable precautions have been taken in relation to the specifics of the employees condition and job role.

2.9 **Managers** are responsible for ensuring that all information is processed with Employment Services and recorded in iTrent as soon as possible to ensure accurate pay runs and HR data.

2.10 The following procedure identifies the steps for notification of absence as well as ongoing responsibilities of the manager and employee:

On the **first day of absence** – employees must **telephone their manager directly** (within 1 hour of start of normal time to manager or other designated officer (some local variation may exist). Texts and email are not considered appropriate methods of communication. If an employee is unable to make the call themselves they can arrange for someone else to do so on their behalf but they must make contact personally as soon as possible afterwards)



If an absence reaches 28 calendar days a **referral to Occupational Health** will be made by the manager (an immediate referral should be made if the reason for the absence is stress). The Occupational Health Referral form can be found on [page 6275](#) of the Intranet and linked to page 30 of Templates Letters & Forms.



During the call the **manager** will establish the reason for absence; expected length of absence; meeting or work commitments which may require cover or re-arrangement; agreement when next contact will be made. **Conversation will be documented on Communication Form** (Intranet [page 6275](#) and [page 29](#) of Templates Letters & Forms).



Employees will provide a completed **SC1 form** for absences up to and including 7 days. For absences over 7 days a **fit note** will be required to support the absence as well as an SC1 form if the fit note does not cover the first 7 days. (The SC1 form can be found on [page 5569](#) of the intranet or on page 30 of Templates Letters & Forms. Employees who cannot access the intranet can obtain a copy from their manager)



The Employee will continue to keep their manager informed of their continuing ill health at the pre-agreed intervals (between the employee and manager) and the manager shall document all contact on the [communication form](#).



If absence reaches 28 calendar days a welfare visit should be organised by the manager to meet with the employee to discuss the continued situation and offer the necessary support. **Guidance on carrying out welfare visits** can be found at Intranet [page 6275](#) and [page 9](#) of the Guidance (there may be occasions when an earlier visit would be appropriate).



When the absence reaches 28 days the manager should write to the employee to inform them they are entitled to take annual leave during periods of absence. A template letter can be found on Intranet [page 6275](#) and [page 10](#) of Templates Letters & Forms.



A **Return-to-Work interview MUST** be carried out and documented on the Return-to-Work interview form (Intranet [page 6275](#) and page 30 of Templates Letters & Forms). A record must be made after every period of sickness and the signed record kept on the personnel file. If the return to work is earlier than the fit note advises the manager must ensure discussions and precautions are documented as outlined in section 2.7.

2.11 Where an employee is in work and becomes unwell during their working day, feeling unable to continue with their duties they will notify their manager of the need to leave their place of work. The absence will be recorded as appropriate (on iTRENT).

2.12 A letter template to remind an employee of the absence procedures should employees fail to follow them can be found on Intranet [page 6275](#) and [page 5](#) of Templates Letters & Forms.

3.0 Unauthorised Absence

3.1 In addition to the criteria for entitlement to Occupational Sick Pay, as outlined in the previous section, employees need to be aware if they are absent without authorisation they will not be paid for their absence. If a manager does not receive contact from an employee to inform them they are absent, outlining the reason for the absence they may not be paid for the period of absence. Unauthorised absences will also be considered for treatment as action deemed to be misconduct. If an employee fails to maintain contact during any period of sickness absence and this absence is not certified the absence may be deemed to be unauthorised and the same principles may apply.

4 Managing Long Term Absence

4.1 Long term absence is the term used for any absence which exceeds 28 calendar days. The management of long term absence differs from that of short term, as the emphasis is more upon maintaining communication, support and rehabilitation back to work.

Planned absence (e.g. an operation)

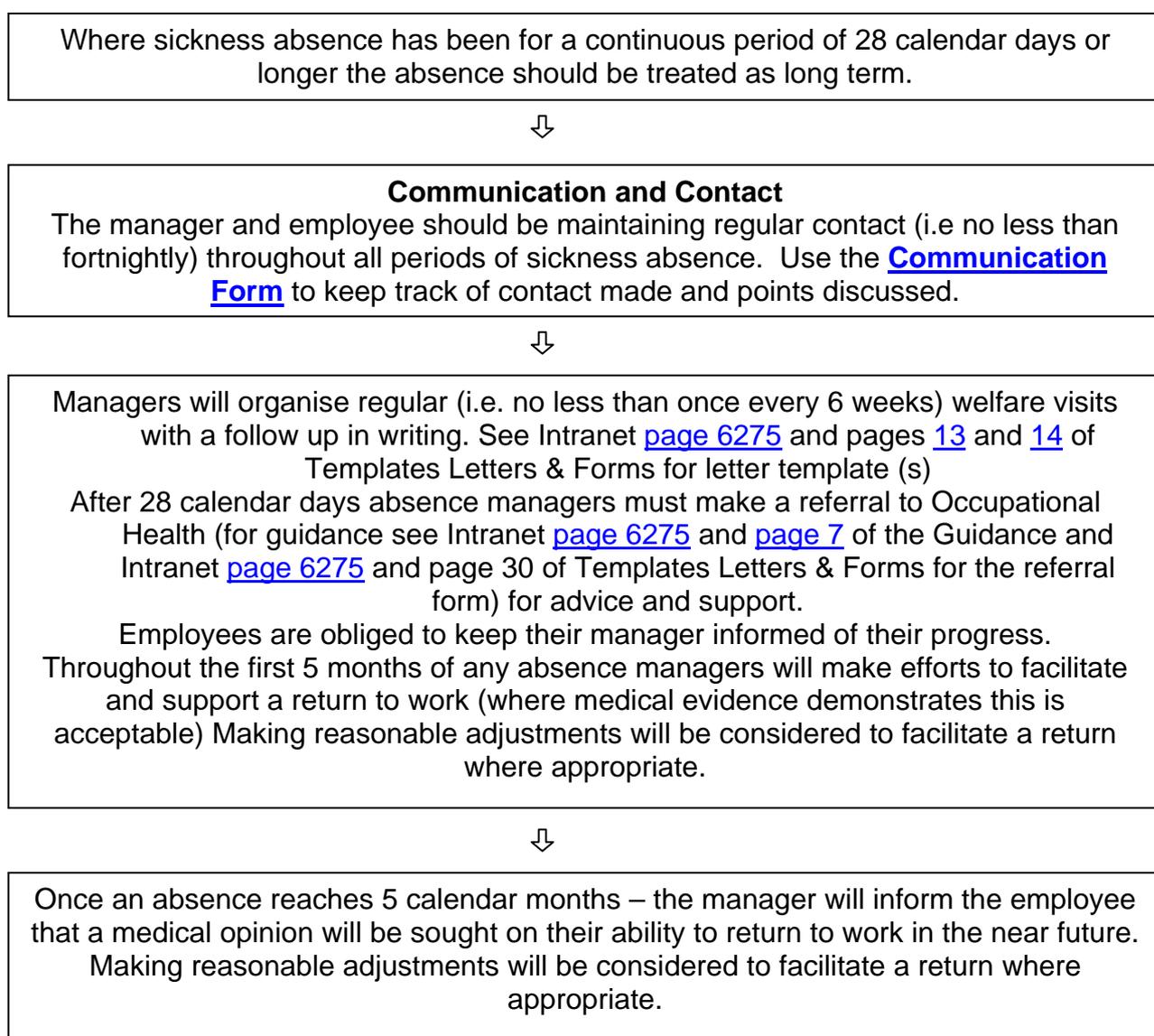
4.2 A communication plan should be discussed and agreed prior to an employee commencing a period of absence which is planned. This should be based on

reasonable and regular two way communication i.e. no less than fortnightly. Referral to Occupational Health is good practice where medical input is required i.e. for rehabilitation as this will support the employee during their planned absence and help the manager facilitate a return.

Unplanned Long-term absence

- 4.3 When an employee is first absent the manager should agree where possible a communication plan, so that expectations are set and understood. Managers should utilise the **Communications Form** to record all communications; actions and agreements.
- 4.4 The flow chart below details the process for managing long-term absence both planned and unplanned.

Long – term absence procedure



At 6 months or as soon after, when the necessary medical information is received the manager and HR Adviser will carry out a further welfare visit to discuss the medical evidence/occupational health recommendations and to agree either an action plan to return to work or to confirm they will be progressing the employees absence to be considered at an ill health capability hearing and/ or a hearing to consider the length of absence. Consideration will be given to potential redeployment options or making reasonable adjustments required to facilitate a return, where appropriate.



Where the employee is able to return to work a “**Phased Return**” may be considered. Guidance on planning a phased return to work can be found on intranet [page 6275](#) and page 10 of the Guidance. A **return to work interview** MUST also be carried out on their return. (See Intranet [page 6275](#) and page 30 of Templates Letters & Forms for the return to work interview form).



If medical/occupational health information indicates a return will not be possible for the foreseeable future an ill health capability hearing will be arranged.



Employees should be absent for no longer than 9 months (allowing for potential delays with gathering medical information) before their absence is considered at an ill health capability hearing.

4.5 An exception to the timings of action as identified in the above flow-chart may occur if an employee receives medical advice that they have a condition that means they will not be fit to return to work in the near or will not be fit to return to work at all. In this case consideration for Ill Health Capability should be considered at earliest opportunity.

4.6 **Phased Return to Work** – This supportive measure may be considered where an employee is fit to return to work but requires time to build up their ability to return to their duties for their full contracted hours.

4.7 Guidance on considerations for a phased return to work can be found at intranet [page 6275](#) and page [10](#) of the Guidance. Managers and employees should however be aware of the main principles of a phased return to work, such as:-

- The length of a phased return should be proportionate to the length of absence and/or reason for absence;
- A phased return should be for no longer than 2 to 4 weeks;
- Employees can use their annual leave to extend their phased return to work and/or can use their annual leave instead of being paid sickness absence;

4.8 **Ill health capability** - Ill-health capability management involves taking formal action up to and including dismissal. It is important to note that if formal action is an outcome following long-term absence, this is not a punishment for having a genuine medical condition, but for non-attendance at work which is a contractual responsibility for all.

- 4.9 The decision that an employee is no longer fit to work in their current post must give due regard to information based on available medical information from the employee's own Consultant, and/or from the Council's nominated medical practitioner, which may include any disability-related advice relating to making reasonable adjustments as covered by the Equalities Act 2010.
- 4.10 If the employee is a member of the Local Government Pension Scheme, Human Resources will request Occupational Health to refer the employee to the Pension Fund Medical Adviser for their opinion, so that the Authority may consider whether to award pension benefits. This referral may be made at the same time as arranging a Capability Hearing. The Pensions Fund Medical Advisor will need Consultant information to allow an informed decision.
- 4.11 It must be noted that although clinical opinions might be expressed, it is not the responsibility of the Pension Fund Medical Advisor to make decisions regarding retirement on the grounds of ill-health. The final decision on eligibility for ill-health retirement lies with the Authority. **Employees should note that though dismissal on the grounds of ill health may be awarded, there is no guarantee of access to pension benefits on the grounds of ill health.**
- 4.12 Where an employee is unable to resume their normal duties but may be fit to return to another role, the Council's Redeployment and/or Flexible Working Policies should be considered to identify if there is any suitable redeployment opportunity available for the employee. Guidance on Rehabilitation back to work and making Reasonable Adjustments can be found at intranet [page 6275](#) and [page 17](#) of the Guidance.
- 4.13 Further guidance on documentation required for an ill health capability hearing can be found on Intranet [page 6275](#) and [page 26](#) of the Guidance.

4.14 Ill Health Capability Hearing Procedure

- 4.14.1 The purpose of the hearing is to establish the facts, including submissions from the employee; decide if there is medical evidence the employee is unfit for their contracted role; consider whether redeployment or reasonable adjustments have been considered and are appropriate; decide if the employee is deemed unfit and therefore their contract should be ended on the grounds of ill health.
- 4.14.2 The ill health capability hearing offers an opportunity for the manager to present their evidence and the employee to respond to the evidence, informing a hearing panel of any other relevant detail they feel should be considered. Both parties may be questioned by a hearing panel in order that they can make the necessary decisions about the employees fitness to undertake their role and accordingly decide whether their employment should be ended.
- 4.14.3 The hearing panel will be chaired by a Head of Service or their nominated senior manager assisted by joint decision-maker in the form of a HR Adviser.
- 4.14.4 The format of the hearing is:
- Introductions and confirmation of the reason for the hearing with the chair outlining the procedure to be followed;

- Presentation of the information submitted by management, including calling of any witnesses (where appropriate) with an opportunity to ask questions of the management submission and/or witnesses by the employee followed by the panel;
- Presentation of the information submitted by the employee, calling of any witnesses (where appropriate) with an opportunity to ask questions of the employee submission and/or witnesses by the manager followed by the panel;
- Summing up from the manager;
- Summing up from the employee;
- Adjournment for panel to make a decision;
- Reconvene to inform of the panel's decision, or decision to be conveyed in writing.

4.14.5 Possible outcomes of the hearing:

4.14.6 **Employee is fit to return to work.** This will be based on medical information contained in the pack and will be confirmed in writing, including recommendations for any information the panel consider need to be included in a return to work plan i.e. making reasonable adjustments/ phased return.

4.14.7 **The Employee is not fit to return to work.** This will be based on medical information referencing the employees fitness to return to work in the near future contained in the pack and will be confirmed in writing. The outcome may be dismissal on the grounds of ill health capability.

4.14.8 **All outcomes will be confirmed and explained in writing within ten working days of the ill health capability hearing.**

4.14.9 Appeals against Ill Health Capability:

An employee is entitled to appeal against a formal sanction awarded through the Hearing. A written appeal must be received by the Head of H.R. within ten working days of receipt of the outcome letter for an appeal to be accepted. **The letter must include any grounds for appeal.**

4.14.10 Appeals against sanctions up to and including a final written warning will be heard by a Senior Manager, supported in their decision-making by a H.R. Adviser.

4.14.11 Appeals against dismissal will be heard by Members of the County Council who sit as the Employment & Appeals Committee.

4.14.12 The Appeal Panel will either:-

A. Review the outcome of the Capability Hearing based on the grounds of the appeal as set out by the employee; or

B. Consider the appeal as a re-hearing. This option only being utilised where there are significant concerns about the previous Performance Capability Hearing procedure.

5 Managing Short Term & Frequent Absence

5.1 Monitoring and Trigger Points

5.1.1 All received paper work i.e. completed SC1's and/or Return to Work forms (stating date of return) should be entered onto iTrent by the manager as soon as is feasible to allow for accurate payment to the employee.

5.1.2 Managers are responsible for monitoring sickness levels within their teams and acting on the triggers and patterns as detailed below. Managers should use the People Manager function in iTrent to monitor absence for their teams. Where managers do not have access to People Manager currently they should request regular reports from the Systems Team in Employment Services.

5.1.3 It is important for a manager to monitor absences in their own team. This will facilitate the early identification of problems or trends. They should ensure that every effort is made to address any areas of concern which are identified quickly.

5.1.4 Short-term/ frequent absences are triggered by one, or a combination of, the following:

- 3 episodes of short term sickness of any length in any rolling 12 month period, or
- 2 episodes of sickness which when combined, total more than 3 working weeks in any 12 month rolling period, or
- A recognisable pattern of absence such as regularly:
 - Absent on the same day each week;
 - Off sick on bank holidays or night shifts when rostered to work;
 - Off sick over Christmas; Easter or school holidays;
 - Takes half days sick
 - Off sick during or after major sporting or social events. etc

5.1.5 Managers are required to consider disability related absences that may trigger sickness absence triggers flexibly and be reasonable about when disability related absences should be more closely monitored and/or managed. A higher number of sickness absences for disability-related reasons may be considered a reasonable adjustment under the Equalities Act 2010.

5.1.6 iTrent absence triggers are used in some service areas to inform managers when their employees are absent either for the third or more time in a rolling 12 month period; when their employee has been absent for 28 days; and when one of their employees is absent due to stress. The absence trigger identifies actions and responsibilities required of the manager.

5.1.7 HR Advisers and managers also receive reports monthly detailing all employees with 3 episodes of sickness absence in any rolling 12 month period, 2 episodes of absence which when combined totals more than 3 working weeks in any 12 month rolling period and all employees with over 28 days absence.

5.2 In addition to managing short-term/ frequent patterns of absence managers are also responsible for managing employees who do not follow the correct absence procedures. Examples of this include absence notification; remaining in contact during an absence; missing Occupational Health appointments and not returning fit

notes for longer absences. In these instances managers should meet with the employee to discuss the reason for the procedure not being followed and document why the procedure is required, informing the employee that failure to follow absence reporting procedures is classed as action deemed to be misconduct and further failure to follow absence procedures may result in more formal action being taken, as outlined below. Example template letters to assist managers writing to employees to remind them of absence procedures, including suspension of occupational sick pay, can be found at Intranet [page 6275](#) and pages [5](#), [7](#) and [9](#) of Templates Letters & Forms.

5.3 If an employee reaches one of the short-term trigger points identified; including recognisable patterns of absence and/or fails to follow absence reporting procedures the following process should be followed:

Informal Supportive Action

5.4 *Informal Supportive Action* requires the manager to speak to the employee about their absence levels in either their regular one to one meetings; supervision sessions or at a designated absence meeting. This discussion is informal, however the points discussed and agreed next steps should be placed on record. This is in addition to any return to work interviews that have been undertaken. A template letter to assist managers following absence management discussions can be found at Intranet [page 6275](#) and [page 19](#) of Templates Letters & Forms.

5.5 Managers are expected to deal with unsatisfactory attendance issues / action deemed to be misconduct in the light of their knowledge of the individual and the circumstances giving rise to these concerns. However, the manager will need to ensure that the following points are considered:

- Discuss any shortcomings or concerns with the employee at the earliest opportunity;
- The reason for dissatisfaction should be made clear to the individual as soon as possible and there must be a factual basis for discussing the issues (i.e. a specific absence or absences);
- Seek to establish whether there are any underlying reasons for the unsatisfactory attendance;
- Consideration to be given as to whether there are any health or welfare issues that may be affecting attendance.
- Does the Equality Act 2010 apply? Can adjustments be made to the employees role or workplace? (Occupational Health will be able to offer advice and support or alternatively visit the Equality and Human Rights Commissions website at <http://www.equalityhumanrights.com/advice-and-guidance/new-equality-act-guidance/>).
- The employee should be advised that improvement is required, a review date is set and attendance will be monitored;
- The employee should be advised that if improvement does not occur, the formal process may be invoked.

Formal Action

5.6 Where there is no improvement; insufficient improvement, or the improvement is not sustained over a reasonable period of time then it would be appropriate to move to

more formal measures. All meetings detailed below should also consider the points in 5.5.

- 5.7 **Formal Meeting** – A formal meeting with the individual and representative from HR is required (Trade Union or work colleague support is also appropriate). This meeting should provide an opportunity for previous meetings; conversations and support to be reviewed; medical information to be provided and reviewed (where appropriate) and ways to further improve attendance / following of absence procedures should be explored. If it is felt insufficient progress has been made or that the employee has not been able to improve their absence levels / following of absence procedures from informal discussions **then a first written warning may be issued**. This warning is based on the employee's level of short-term absence / following absence reporting procedures being unacceptable and is therefore classed as misconduct as the employee is not meeting their contractual obligation to attend for work regularly or meeting their contractual responsibilities. If appropriate, a further review period should also be set. It should be made clear to the employee that should absence levels continue to increase (i.e. displaying a further pattern of absence and/or 2 or more absences in a couple of months) during the period of review a formal hearing may be triggered instead of the next review meeting. A letter detailing the formal meeting findings and outcomes will be sent to the employee within 5 working days of the meeting and held on their personnel file, with the warning standing for a period of 12 months. Employees have the right of appeal, in writing, to their Head of Service within 10 working days of the hearing. In addition to this action it may be appropriate to consider suspending the employees entitlement to Occupational Sick Pay, as outlined in section 9.3.
- 5.8 Please find a template letter on Intranet [page 6275](#) and [page 22](#) of Templates Letters & Forms to invite employees to the Formal meeting and guidance for the Formal meeting on Intranet [page 6275](#) and [page 21](#) of the Guidance.
- 5.9 **Review meeting** – Arranged within timescales agreed during the first formal meeting this review should provide an update and indicate the next course of action. The outcomes could be:
- No further action to be taken;
 - Continue to monitor until a further review date;
 - Progress to the formal hearing stage, as outlined in 5.10 below;
- 5.10 **Absence Levels / Action Deemed to be Misconduct Hearing** – This is the presentation of an employees recent absence history (as identified in monitoring and trigger section above) to be considered by a formal panel for a decision to determine whether their inability to attend work regularly warrants further formal warnings or dismissal. This hearing would be considered under misconduct as the employee is not meeting their contractual obligation to attend for work regularly and could result in a further formal sanction; recommendation for further support and/or time to improve or dismissal. The panel Chair must therefore be a Head of Service or their nominated Senior Manager. (For further guidance see Intranet [page 6275](#) and [page 22](#) of the Guidance).

5.11 Possible Outcomes of the Hearing:

- 5.11.1 **No case to answer** – where the panel feel the evidence submitted is not sufficient to require a formal sanction and/or employees mitigation is significant enough to negate a formal sanction;
- 5.11.2 **Informal Supportive Action** – where the panel feel the evidence submitted is not sufficient to require a formal sanction but do feel there are improvements to be made and the evidence suggests informal supportive action is appropriate. In this case the findings will be sent out the employee in writing and retained on the personnel file, making reference to the fact that further absence/ misconduct may result in formal action in the future.
- 5.11.3 **A Written Warning** – for cases of unacceptable absence levels and/or action deemed to be misconduct the written warning will set out clearly the unacceptable behaviour or actions and also any improvements that are required. The warning will also state clearly that further disciplinary action will be considered if absence levels do not improve or misconduct or is repeated. The employee will also be informed that the record of the warning will be retained on their personnel record for 12 months from the date of the hearing. After this time the sanction will be removed from being in effect but a copy of the letter will be retained on the personnel file and would be used as background/ context should future disciplinary action be necessary.
- 5.11.4 **A Final Written Warning** – if the employee has a current warning about their absence levels and/or conduct and further misconduct or sickness absence occurs, then a final written warning may be appropriate. This may also be seen as the appropriate sanction if the absence levels and/or misconduct is seen as sufficiently significant. Any further absence levels/ misconduct during the period a final written warning is in place may lead to dismissal. The final written warning will be retained on the employee's personnel record for up to 24 months from the date of the hearing. After this time the sanction will be removed from being in effect but a copy of the letter will be retained on the personnel file and would be used as background/ context should future disciplinary action be necessary.
- 5.11.5 **Dismissal with Notice** – where the employee has either failed to respond to previous warnings and their absence levels/ conduct remains unacceptable, or is found to be significantly serious at a first hearing, dismissal with contractual notice may be an appropriate disciplinary penalty. Where the employee's presence in the workplace would cause significant difficulty due to the nature of their duties and the misconduct, a payment may be made in lieu of paid notice. Advice will be given by HR in such cases.
- 5.11.6 **Dismissal Without Notice or Summary Dismissal** – This may be appropriate if it has been found at a disciplinary hearing that the employee's absence levels/ conduct amounts to gross misconduct where the mitigating circumstances are insufficient and/or where the employee's presence at work is untenable.
- 5.11.7 **All outcomes will be confirmed and explained in writing within ten working days of the hearing.**

5.12 Appeals against Absence Levels/ Conduct Hearing:

- 5.12.1 An employee is entitled to appeal against a formal sanction awarded through the Hearing. A written appeal must be received by the Head of H.R. within ten working days of receipt of the outcome letter for an appeal to be accepted. **The letter must include any grounds for appeal.**
- 5.12.2 Appeals against sanctions up to and including a final written warning will be heard by a Senior Manager, supported in their decision-making by a H.R. Adviser.
- 5.12.3 Appeals against dismissal will be heard by Members of the County Council who sit as the Employment & Appeals Committee.
- 5.12.4 The Appeal Panel will either:-
- A. Review the outcome of the Capability Hearing based on the grounds of the appeal as set out by the employee; or
 - B. Consider the appeal as a re-hearing. This option only being utilised where there are significant concerns about the previous Hearing procedure.

6 Sickness Absence and Holiday Entitlements

6.1 Sickness during Holiday

6.1.1 Where an employee falls sick or is injured while on holiday, the Council will allow the employee to transfer to sick leave and take replacement holiday at a later time. This policy is subject to the following strict conditions:

- The employee must contact their manager (by telephone if possible) as soon as he/she knows that there will be a period of incapacity during a holiday;
- The total period of incapacity must be fully certificated by a qualified medical practitioner. If a charge is incurred this will be reimbursed via an expenses claim;
- The employee must submit a **written request no later than 10 days after returning to work** setting out how much of the holiday period was affected by sickness and the amount of leave that the employee wishes to take at another time;
- Where the employee is overseas when he/she falls ill or is injured, evidence must still be produced that the employee was ill by way of either a medical certificate or proof of a claim on an insurance policy for medical treatment received at the overseas location.

6.1.2 Where the employee fulfils all of the above conditions, the Council will grant the employee the same number of days' replacement holiday leave as the number of holiday days lost due to sickness or injury.

6.2 Accrual of Annual Leave during Sickness

6.2.1 Employees accrue annual leave entitlement throughout the year. Managers have a responsibility to ensure employees take annual leave regularly throughout the year. This should avoid significant periods of untaken annual leave being accrued.

- 6.2.2 An employee who is absent on sick leave will continue to accrue his/her full contractual holiday entitlement.
- 6.2.3 As indicated on page 5, Managers must advise employees that annual leave can be taken during periods of sickness absence.
- 6.2.4 Employees are entitled and encouraged to take their annual leave during any period of sickness absence. This may be taken when an employee is in half pay or form part of rehabilitation before a return to work. Employees need to request annual leave from their manager, specifying the period of leave to be taken.
- 6.2.5 Managers should ensure when they are discussing a return to work plan with an employee following a period of sickness absence they agree how or if any accrued annual leave will be taken. It would be appropriate, if it was clear a further extension to the phased return was required, to utilise accrued annual leave to allow this extension. See page 8 of this Policy, Intranet [page 6275](#) and [page 10](#) of the Guidance for further information.

7 Hospital and Dental Appointments

- 7.1 It is recognised that there may be occasion when there is a need to attend medical appointments during work hours, such as: to support the recovery from ill-health and ongoing attendance at work; to receive a programme of treatment for an ongoing condition or disability; to seek medical/dental treatment; or to undergo specific health screening. Each case is recorded and paid differently, as outlined below.
- 7.2 Employees should endeavour to negotiate appointment times with the healthcare provider that have the minimum disruption to the working day, i.e., close to the start or end of the working day or during break-times. Where it is unavoidable to attend such appointments without encroaching on working hours, the time away must be authorised by the manager before it is taken (for which a manager will request evidence of the appointment).
- 7.3 When considering the amount of time involved in attending occasional appointments such as for GP, Dental, Opticians and/or one-off tests/treatment, the following provisions should be followed:
- taking annual leave;
 - taking flexi time;
 - taking time off in lieu (TOIL) for hours already accrued;
 - if part-time, making up the time lost by working on a non-rota day;
 - any other reasonable local arrangement as agreed between employee and manager.
- 7.4 In cases of rehabilitation or disability where it is known that a programme of treatment will be required over a period of time and which may assist an employee to improve their health and attendance at work in the long-term, arrangements for time off should be discussed between the employee and their manager and support and advice may be sought from Occupational Health in these cases. These absences will be recorded on Trent as tests/treatment and will be paid as sickness absence unless appropriate alternative arrangements are put in place as outlined below. The discussion should identify the frequency and duration of the treatment and any other factors that may be

associated with the treatment or appointment arrangements (e.g., side-effects and recovery) so that managers are able to plan for foreseen absences and arrange cover if necessary. In such cases, time off will be classed as sickness absence or where appropriate arrangements put in place, such as using annual leave; flexible/part-time working, to support the employee.

7.5 Reasonable paid time off will be given for attendance at Cancer screening appointments, Antenatal and for giving blood. This time off will be recorded on Trent as Medical Screening/ 'Absence Other' as appropriate and not Sickness Absence.

8 Industrial Injury / Accidents at work

8.1 An accident or incident arising out of or in the course of work is classed as an industrial injury. This may require recuperation time absent from work. Firstly, any incident should be recorded on an accident report form and should be investigated initially by the manager and he/she should make an accurate record of the event which confirms the circumstances and if the outcome is an industrial injury. The initial investigation is then passed to the Health & Safety team who decide if a further investigation needs to take place and they decide if the matter is one which has to be reported to the HSE.

8.2 Managers should update the absence in iTrent in the usual way. Managers should refer the employee to Occupational Health for support and should tell the appropriate HR Adviser of the circumstances; initial investigation findings and confirm it was an industrial injury. The manager should notify the Conditions Team in Employment Services that the absence is to be treated as an industrial injury with regard to sick pay. If no notification is made then the absence is treated as a "normal" sickness absence.

8.3 If an absence is confirmed as an industrial injury the employee is entitled to sick pay based on their occupational entitlement (9.1 below) without any sickness absence entitlement used in the immediately preceding 12 months being taken into account.

9 Occupational Sick Pay

Employees (including those on fixed-term contracts) absent from duty owing to illness (including industrial disease, accident or assault arising out of or in the course of employment with the authority) may be entitled to receive an Occupational Sick pay allowance as follows:

During first 4 months of service	1 month full pay.
During 5 th to 12 th month of service	1 month full pay and 2 months half pay
During 2 nd year of service	2 months full pay and 2 months half pay
During 3 rd year of service	4 months full pay and 4 months half pay
During 4 th and 5 th year of service	5 months full pay and 5 months half pay
After 5 years of service	6 months full pay and 6 months half pay

9.2 Entitlements will take into account any sick leave taken during the previous 12 months on a rolling basis.

9.3 Suspension From Sickness Absence Scheme:

9.3.1 Following a discussion with HR, the manager, with agreement from their Head of Service, may request Employment Services suspend Occupational Sick Pay, if it is considered that:

- An employee is abusing the sickness scheme (i.e. claiming to be sick when they are caring for children and should be taking parental leave, or claiming to be sick when information provided to their manager indicates otherwise); or
- Absence on account of sickness due or attributable to deliberate conduct prejudicial to recovery; or
- The employee's own misconduct or neglect; or
- Active participation in professional sport; or
- Injury while working in the employee's own time on their own account for private gain.

9.3.2 The manager, in agreement with their Head of Service, following discussion with HR will determine a reasonable period of suspension and set a date for the suspension to be reviewed.

9.3.3 Suspension of Occupational Sick Pay will not affect an employee's entitlement to Statutory Sick Pay. Guidance can be found at Intranet [page 6275](#) and [page 5](#) of the Guidance.

9.3.4 If Occupational Sick Pay is suspended the employee will be given full reasons and provided with the right of appeal to the Employment and Appeals Committee. Statutory Sick Pay will be payable when applicable on the provision of a valid medical certificate.

9.3.5 Appeals to the Employment and Appeals Committee should be sent to County Hall, Llandrindod Wells, Powys, LD1 5LG.

9.3.6 Repeated abuse of the Sickness Absence scheme will be addressed through the Action Deemed to be Misconduct section of this Policy and Procedure.

9.4 **Third Party Insurance Claims** - Employees who successfully make a third party insurance claim due to an accident which has resulted in absence from work will be required to refund Powys County Council in respect of payments made to them in the form of occupational sick pay.

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