

# Public Document Pack

<b>Date of meeting</b>	<b>Monday, 15th August, 2016</b>
<b>Time</b>	<b>7.00 pm</b>
<b>Venue</b>	<b>Committee Room 1, Civic Offices, Merrial Street, Newcastle-under-Lyme, Staffordshire, ST5 2AG</b>
<b>Contact</b>	<b>Geoff Durham</b>

## Staffing Committee

### AGENDA

#### PART 1 – OPEN AGENDA

- 1 Apologies
- 2 Declarations of Interest
- 3 Minutes of a Previous meeting (Pages 3 - 4)
- 4 Minutes of the Employees Consultative Committee (Pages 5 - 8)
- 5 Managing Conflict Policy (Pages 9 - 16)
- 6 Grievance Procedure (Pages 17 - 44)
- 7 Attendance Management Policy and Procedure (Pages 45 - 84)
- 8 Guide to Agile Working (Pages 85 - 110)
- 9 **URGENT BUSINESS**

To consider any business which is urgent within the meaning of Section 100(B)4 of the Local Government Act 1972.

#### 10 DISCLOSURE OF EXEMPT INFORMATION

To resolve that the public and press be excluded from the meeting during consideration of the report because it is likely that there will be a disclosure of exempt information as defined in Paragraphs 1,2 and 3 in Part 1 of Schedule 12A of the Local Government Act 1972

- 11 **Review of Market Supplements** (Pages 111 - 130)

**Members:** Councillors Burch, Cooper, Eagles, Frankish, S Hambleton (Chair), Holland, Kearon, Reddish, Robinson, Sweeney, Welsh and Woolley

**PLEASE NOTE:** The Council Chamber and Committee Room 1 are fitted with a loop system. In addition, there is a volume button on the base of the microphones. A portable loop system is available for all other rooms. Should you require this service, please contact Member Services during the afternoon prior to the meeting.

**Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.**

**Meeting Quorums :- 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.**

**FIELD\_TITLE**

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

# Public Document Pack Agenda Item 3

Classification: NULBC UNCLASSIFIED

Staffing Committee - 21/03/16

## STAFFING COMMITTEE

Monday, 21st March, 2016

**Present:-** Councillor Ms Sylvia Dymond – in the Chair

Councillors Beech, Cooper, Kearon, Parker, Rout, Stringer, G Williams and Woolley

### 6. APOLOGIES

Apologies were received from Councillors Frankish and Holland.

### 7. DECLARATIONS OF INTEREST

There were no declarations of interest stated.

### 8. MINUTES OF A PREVIOUS MEETING.

**Resolved:** That the minutes of the meeting held on 30 November, 2015 be agreed as a correct record.

### 9. SHARED PARENTAL LEAVE POLICY AND PROCEDURE

Consideration was given to a report in respect of the Shared Parental Leave Policy. This was a statutory entitlement implemented by the Government in April, 2015.

A copy of the proposed Policy was appended to the report.

**Resolved:** That the Policy be approved.

### 10. POLICY ON TIME OFF FOR DEPENDANTS

Consideration was given to a report regarding the Policy on Time off for Dependants and a request made by the trade unions to pay employees on the first occasion within a twelve month period. An employee would need to have come in to work and be called away to deal with an emergency situation.

One Member raised a query about emergencies which occurred in the middle of the night and was advised that, in those circumstances officers would take the day as leave.

**Resolved:** That the Trade Union's request be agreed with clear indication that an employee must have come into work first prior to being called away and they would be paid for their standard day (part –time employees would be subject to pro-rata).

**COUNCILLOR MS SYLVIA DYMOND**  
Chair

**This page is intentionally left blank**

**EMPLOYEES CONSULTATIVE COMMITTEE**

Monday, 11th July, 2016

**Present:-** Councillor Elizabeth Shenton – in the Chair

Councillors Cooper, Huckfield, Proctor and Wright

**7. DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

**8. MINUTES OF A PREVIOUS MEETING**

**Resolved:** That the minutes of the meeting held on 26 February, 2016 be agreed as a correct record.

**9. PROPOSED POLICY ON MANAGING CONFLICT**

Consideration was given to a report on the introduction of the proposed Managing Conflict Policy.

The Policy would be formalising what is already happening in practice.

Officers had met previously with Trade Union representatives and had agreed some amendments to the Policy. At the meeting, a further discussion was held with regard to Appendix A of the Policy. Under the heading 'Do I have to take Part in Mediation', the Trade Unions' requested that the final sentence ('it may not be possible...') be removed.

**Resolved:** That it be recommended, subject to the removal of the sentence indicated above, to introduce the Managing Conflict Policy.

**10. PROPOSED POLICY AND PROCEDURE ON GRIEVANCE.**

Consideration was given to a report regarding the introduction of a revised Grievance Policy Procedure.

The revisions would bring the Policy up to date with the ACAS Code of Practice and the process had been simplified.

The Chair thanked officers for the work that had been carried out on the document.

**Resolved:** That it be recommended that the revised Grievance Policy Procedure be introduced.

**11. PROPOSED GUIDE TO AGILE WORKING**

Consideration was given to a report regarding a proposed Guide to Agile Working. The document would supersede the Homeworking Policy.

This document would be used more extensively when the Council is relocated to the new Civic Hub in 2017 and relates to employees working flexibly from any location.

The Trade Unions raised three areas of concern which would require consideration:

- (i) Would working from home affect an employee's mortgage?
- (ii) Building / contents insurance may cost more if working from home.
- (iii) There would be an increase in employees' utility bills when working from home.

The Trade Unions suggested that the document stay in draft form and have it reviewed six months after occupying the Hub.

The training of managers would be key and it would be a large learning curve for members.

Officers were thanked for the work that had gone into the document.

The Trade Unions also suggested a review of working hours, for example starting at 6.30am to give parents the opportunity to take their children to school.

Members agreed to endorse this as a working document and that a six month review be made, following relocation to the Hub. The document would, however, be continuously fed into.

**Resolved:** That it be recommended that the proposed Guide to Agile Working be endorsed as a working document, with a six month review following relocation to the Hub.

## 12. **PROPOSED POLICY AND PROCEDURE ON ATTENDANCE MANAGEMENT**

Consideration was given to a report requesting members' views and comments on adopting the proposed Attendance Management Policy and Procedure.

Members were advised that there were currently two policies in existence – this one and the Capability Policy. However the Attendance Management Policy would incorporate the two.

Members were advised that the Bradford Factor would be used to measure attendance. The mitrefinch system currently used by officers to record attendance and this would be upgraded later in the year and would only pick up on sickness absence.

Members agreed that the Bradford Factor should be trailed for a short period – commencing 1 September, following the Staffing Committee. However, the Head of Human Resources advised members that certain officers would need to be trained in the system and that 1 October would be a more realistic date to commence the trial.

- Resolved:**
- (i) That the new Attendance Policy and Procedure be agreed in principle.
  - (ii) That the Bradford Factor score be trialed for a period of six months. After this period it will be reviewed and if the Trade Unions' and officers are not in agreement for the continued

use, other means of measuring attendance will be sought and brought back to this Committee.

**13. URGENT BUSINESS**

There was no Urgent Business.

**COUNCILLOR ELIZABETH SHENTON**  
**Chair**

**This page is intentionally left blank**



**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**ITEM FOR STAFFING COMMITTEE**

**15 August 2016**

**1. MANAGING CONFLICT POLICY**

**Submitted by:** Executive Management Team

**Portfolio:** Policy, People and Partnerships

**Purpose of the Report**

To obtain the Committee's approval to adopt the Managing Conflict Policy.

**Recommendation**

**That the policy detailed at Appendix A be approved.**

**1. Background**

- 1.1 The Council recognises that from time to time conflict exists and to a certain extent indicates a healthy exchange of ideas and creativity. However counterproductive conflict can result in employee dissatisfaction relating to their employment resulting in reduced productivity, reduced motivation, absenteeism, displays of inappropriate behaviour and increased work related stress.
- 1.2 This policy is to encourage free communication between employees and their managers to ensure that questions and problems arising during the course of employment can be aired and when possible, resolved quickly and to the satisfaction of all concerned.
- 1.3 This policy is designed to allow employees to raise concerns, problems or complaints and to allow the Council to deal with the concern fairly, consistently and promptly. The aim will be to resolve employee's dissatisfaction without recourse and promotes open communication and fosters a safe environment for addressing differences of opinion.
- 1.5 The policy has been written in line with the ACAS Code of Practice – March 2015 whereby the aim is to settle or resolve areas of dissatisfaction before they become embedded and an employee becomes so aggrieved they may invoke a formal procedure i.e. Grievance Procedure or Dignity at Work.
- 1.6 It encourages the use of mediation to resolve work place disputes in an informal environment.
- 1.7 The joint trade unions have been consulted on the proposed new policy and comments have been incorporated and agreed. At the Employee Consultative Committee meeting a further amendment was suggested with regard to Appendix A of the Policy, under the heading 'Do I have to take part in mediation' the trade unions requested that the final sentence was removed (It may not be possible to take the

issue to the next stage where this has not occurred). The committee agreed to remove this sentence.

**2. Aims of the Policy**

- 2.1 The overall aim is to use this Policy prior to using the formal Grievance Procedure when it may not be necessary to do so.

**3. Issues**

- 3.1 At its meeting on 11 July 2016, the Employees Consultative Committee recommended that the Policy be adopted.

**4. Legal and Statutory Requirements**

- 4.1 It is important that the council's policy on Managing Conflict reflects current best practice and ensures the council fulfils its obligations in accordance with the statutory legislation.

**5. Equality Impact Assessment**

- 5.1 Implementation of the policy will help to ensure the Borough Council fulfil its responsibilities as an equal opportunities employer.

**6. Financial and Resource Implications**

- 6.1 None

**7. Major Risks**

- 7.1 None identified.

**8. List of Appendices**

Appendix A – Managing Conflict Policy

**9. Earlier Committee Resolutions**

Employees Consultative Committee – 11 July 2016



# **MANAGING CONFLICT**

## **POLICY**

## **CONTENTS**

	<b>Page No</b>
1. Introduction	1
2. Scope	1
3. Definition of a Dissatisfaction	1-2
4. Principles	2
5. Reporting a Dissatisfaction	2-3
6. Resolutions	3
7. Unresolved Issues	3

Appendix A

What is Mediation?

## NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

### MANAGING CONFLICT POLICY

#### **1. Introduction**

- 1.1 Newcastle-Under-Lyme Borough Council recognises that from time to time conflict exists and to a certain extent indicates a healthy exchange of ideas and creativity. However counterproductive conflict can result in employee dissatisfaction relating to their employment resulting in reduced productivity, absenteeism and increased work related stress.
- 1.2 In this respect, the Council's policy is to encourage free communication between employees and their managers to ensure that questions and problems arising during the course of employment can be aired and when possible, resolved quickly and to the satisfaction of all concerned.
- 1.3 This policy is designed to allow employees to raise concerns, problems or complaints and to allow the Council to deal with the concern fairly, consistently and speedily. The aim will be to resolve an employee's dissatisfaction without recourse and promotes open communication and fosters a safe environment for addressing differences of opinion.
- 1.4 The Council's aim is to use this policy prior to the Grievance Policy and Procedure.
- 1.5 ~~Employees will not be victimised as a result of having invoked the Managing Conflict Policy although any employee found to have made a deliberately false, exaggerated or misleading complaint may be subject to the Council's disciplinary procedure.~~
- 1.6 This policy has been written in line with the ACAS Code of Practice (ACAS, 2015) whereby the aim is to settle or resolve areas of dissatisfaction and recognises that an individual who raises an expression of dissatisfaction is doing so with a view to resolve or remove the dissatisfaction.

#### **2. Scope**

- 2.1 This policy applies to all Council employees including Chief Officers except for the Chief Executive for whom separate arrangements exist within their national conditions of service.

#### **3. Definition of a Dissatisfaction**

- 3.1 The policy will apply in cases where an employee has an expression of dissatisfaction about an act (or omission) taken by the Council or a representative of the Council where an employee claims that the action came about wholly or mainly for a reason unrelated to their conduct or capability.

The policy should be considered appropriate in cases of conflict in working relationships to enable an amicable settlement of dissatisfaction.

#### **4. Principles**

- 4.1 The Council would prefer to hear expressions of dissatisfaction at an early stage prior to a matter becoming complex or long standing. Therefore all matters relating to an expression of dissatisfaction should be raised within 10 working days of the employee becoming aware of the matter giving rise to the dissatisfaction.
- 4.2 Employees should discuss matters informally with their immediate manager in the first instance unless this is not practical, for example if the concern relates to the immediate manager. In such cases a member of the HR team should be involved.
- 4.3 Each step and action of the policy must be taken without unreasonable delay.
- 4.4 The time and location of the resolution meetings must be reasonable.
- 4.5 Employees should note that if they have a work-related personal problem which they feel unable to discuss with their supervisor/line manager, they can contact staff in Human Resources or their trade union representative for advice and assistance.

#### **5. Reporting a Dissatisfaction**

- 5.1 The employee and their line manager must attempt to resolve any expression of dissatisfaction in the first instance. The following process should be followed:
  - Employees are encourage to raise and resolve areas of dissatisfaction informally where possible
  - The employee and the line manager will agree to meet to discuss and resolve the matter giving rise to the concerns.
  - The employee will have full rein to explain the nature of the dissatisfaction and in the interest of obtaining clarity and openness questioning may be required by the line manager.
  - There will be no formal written decision issued by the Council but the Council will attempt to verbally agree a way to resolve the areas of dissatisfaction with the employee.
  - Where the dissatisfaction is against an employee's line manager, the matter should be raised with a more senior manager.

#### **6. Resolution**

Following a formal expression of dissatisfaction the Council will look to resolve matters where appropriate through Mediation. (See Appendix A)

- 6.1 Mediation is a voluntary and confidential process which can be used at any point when there is conflict.
- 6.2 The aim of Mediation is to restore and maintain the employment relationship and not to focus on what is right and what is wrong.

- 6.3 The Council will ensure a suitable mediator is appointed to resolve areas of dissatisfaction. The Mediator will be independent and impartial and will aim to help both parties to identify underlying problems, help to improve and resolve differences.
- 6.4 At the end of the mediation process the Mediator will ensure that a non-legally binding agreement is implemented. Both parties will be asked to abide by the written agreement. ~~Failure to do so may result in further investigation and in some circumstances disciplinary action in line with the Council's Disciplinary Procedure.~~

## **7. Unresolved Issues**

- 7.1 The employee and line manager should have made every attempt to resolve the matter directly between themselves and where necessary with a Mediator prior to progressing to the Grievance Procedure.
- 7.2 In instances that employees are not satisfied with the written response following a formal expression of dissatisfaction employees may progress to the Council's Grievance Procedure.
- 7.3 Employees will be notified in writing of a further meeting in line with the Council's Grievance Procedure.

## Appendix A

### What is Mediation?

Mediation is a key part of the Councils Managing Conflict Policy. Whilst mediation is a voluntary and confidential process which can be used at any point when there is conflict it will be primarily used, where appropriate, as part of this Policy.

### What is the aim of Mediation?

In line with this Policy the aim of Mediation is to restore and maintain the employment relationship, and not to focus on what is right and what is wrong.

### Do I have to take part in Mediation?

Whilst mediation is a voluntary process it does form part of the Councils Managing Conflict Policy. It does not form part of a legally binding outcome. Therefore the Council does encourage that in the first instance of an expression of dissatisfaction being raised that Mediation should be the first stage of managing conflict where possible. ~~It may not be possible to take the issue to the next stage where this has not occurred.~~

### How long will it take?

Mediation will be different for all parties; therefore it is difficult to put timescales on it. Mediation is not however a quick solution and does require effort from both parties.

### Do I have to go to Mediation with the person I am having the conflict with?

No. Mediation can be adapted to suit all situations. Where appropriate; Mediation can be held separately.

### What is the role of the mediator?

This is an independent and impartial role. The mediator will help both parties to identify the underlying problems, help to resolve differences, and to come up with ideas to improve things. Information will not be passed onto the other party without prior consent.

### What will the outcome of Mediation be?

There will be no official outcome but we will aim for an agreement, in writing where appropriate, that both parties will be asked to try and stick to.



**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**ITEM FOR STAFFING COMMITTEE**

**15 August 2016**

**1. GRIEVANCE POLICY AND PROCEDURE**

**Submitted by:** Executive Management Team

**Portfolio:** Policy, People and Partnerships

**Purpose of the Report**

To obtain the Committee's approval to adopt the Grievance Policy and Procedure.

**Recommendation**

**That the policy detailed at Appendix B be approved.**

**1. Background**

A recommendation by the Employee Consultative Committee on 26 February 2016 was to review the current Grievance Procedure.

ACAS has revised its Code of Practice (March 2015) on disciplinary and grievance procedures and employers are expected to comply with the principles set out in the Code. An employment tribunal is required to take the Code into account when considering relevant cases. Where there has been an unreasonable failure by either party to comply with the Code, the tribunal may increase or decrease compensation by up to 25%, depending on which party is at fault.

In summary the ACAS Code of Practice identifies five key stages when handling a grievance;

- If a grievance cannot be resolved informally, the employee should raise the matter formally, in writing and without unreasonable delay.
- A meeting should be held with the employee to discuss the grievance.
- The employee should be allowed to be accompanied at the meeting.
- The manager should decide on the appropriate action and communicate the decision in writing, without unreasonable delay.
- The employee should be allowed to appeal and the appeal should be held without unreasonable delay.

**1.1 Current Procedure**

1.1.1 The Council's current procedure was updated in June 2009 (Appendix A) in consultation and agreement with the Trade Unions, to include the Status Quo and a revised policy in line with the previous ACAS Guidance on Discipline and Grievance at Work.

1.1.2 There are four stages in the current grievance procedure which is lengthy, resource intensive and does not support a timely resolution of issues or complaints. The vast majority of grievances are not resolved at stage 1. Unless the grievance is upheld, the employee does not normally accept the decision and therefore grievances regularly progress through the stages.

1.1.3 It currently allows the use of a modified procedure this is no longer included in the ACAS Code of Practice and therefore should not be used unless the employment has ended. All employees have the right to appeal against any decision.

1.1.4 The Status Quo currently only applies when there is a collective grievance and not for individual grievances when there is a change to an employee's terms and conditions of employment.

## 1.2. New Procedure

1.2.1 There are three stages to the procedure (Appendix B) which is line with the Code of Practice, a three step process; informal, formal and right of appeal. It encourages the use of the Managing Conflict Policy in the first instance and the effective use of mediation to resolve disputes. Its aim is to resolve issues promptly and fairly and is designed to promote positive working relationships.

1.2.2 The policy will apply to Council employees including Chief Officers except for the Chief Executive which falls within the scope of JNC's for Chief Executives.

1.2.3 The policy clarifies the meaning of applying the Status Quo to collective grievances and individual grievances where there is a proposed change to an employee's terms and conditions of employment or changes to working practices. No change will be made to the relevant terms and conditions of employment or changes to working practices until the agreed grievance procedure has been exhausted.

1.2.4 It gives every employee the right of appeal.

1.2.5 The joint trade unions have been consulted on the proposed new policy and procedure and their comments have been incorporated and agreed.

## 2. **Aims of the Policy**

2.1 The overall aim of the proposed policy and procedure is to provide the Council with a robust mechanism to deal with such issues promptly, fairly and as closely as possible to the point of origin. It is designed to promote and maintain positive working relations.

## 3. **Issues**

3.1 At its meeting on 11 July 2016, the Employees Consultative Committee recommended that the Policy and Procedure be adopted.

## 4. **Legal and Statutory Requirements**

4.1 It is important that the council's policy on Grievance reflects current best practice and ensures the council fulfils its obligations in accordance with the statutory legislation.

**5. Equality Impact Assessment**

- 5.1 Implementation of the policy will help to ensure the Borough Council fulfil its responsibilities as an equal opportunities employer.

**6. Financial and Resource Implications**

- 6.1 None

**7. Major Risks**

- 7.1 None identified.

**8. List of Appendices**

Appendix A –Current Grievance Procedure  
Appendix B – New Grievance Policy and Procedure

**9. Earlier Committee Resolutions**

Employees Consultative Committee – 11 July 2016

**This page is intentionally left blank**



# GRIEVANCE PROCEDURE

*Originated: 1 November 2009  
Equality Impact Assessed*

## CONTENTS

	<b>Page No</b>
1. Introduction	1
2. Scope	1
3. Definition of a Grievance	1
4. Status Quo	1
5. Principles	2
6. Standard Procedures	2
7. Informal Stage	3
8. Reporting	3
9. Formal Procedure	3
9.1 Formal Stage 1	3
9.2 Formal Stage 2	4
9.3 Formal Stage 3 (Appeal Stage)	4
10. Procedure to be followed at Appeal Hearing	5
11. External Stage	6
12. Modified Procedure	6
Appendix A – Grievance Procedure Form	7

## 1. Introduction

- 1.1 Newcastle-under-Lyme Borough Council recognises that from time to time employees may wish to seek redress for grievances relating to their employment. In this respect, the Council's policy is to encourage free communication between employees and their managers to ensure that questions and problems arising during the course of employment can be aired and when possible, resolved quickly and to the satisfaction of all concerned.

## 2. Scope

- 2.1 This procedure applies to all Council employees on permanent, temporary, fixed term or casual contracts. It will not apply to those employed under JNC conditions for Chief Officers or Chief Executives for whom separate arrangements exist within their national conditions of service.

## 3. Definition of a Grievance

### 3.1 Individual Grievances

The individual grievance procedure will apply in cases where an employee is aggrieved about an act (or omission) taken by the Council or a representative of the Council where an employee claims that the action came about wholly or mainly for a reason unrelated to their conduct or capability.

Such actions can include:

- Oral warnings or investigatory suspensions where an employee believes the real reason for the warning or suspension is not a shortcoming in their conduct or capability;
- Actions taken by colleagues where the employer has failed to take action to address the issue. (In instances where an employee feels aggrieved about the conduct of a work colleague, and where this conduct has a direct affect on them, they should in the first instance consider raising the matter with the work colleague. If they do not feel that this would be appropriate then the matter should be raised with their supervisor/line manager).

### 3.2 Collective Grievances

A collective grievance is a grievance raised by an appropriate representative on behalf of at least two employees, including the complaining employee. The representative may be an official of a Trade Union or an employee elected or appointed to represent other employees. The procedures for dealing with a collective grievance do not have to follow those recommended in the ACAS Code of Practice 1 - Disciplinary and Grievances Procedures. However, for simplicity, within the Council, the same procedures will apply to a collective grievance as apply to an individual grievance except that a collective grievance may include an External Stage (see 11.1).

## 4. Status Quo

- 4.1 Any practices, agreements, terms and conditions of employment that existed prior to the collective grievance being raised will continue to operate pending

settlement or until the agreed procedure has been exhausted. However, in exceptional circumstances management may require that a change has to be effected, eg for health and safety reasons or where it would be unlawful to continue with the status quo.

- 4.2 Furthermore, the recognised Trade Union will refrain from completing balloting of their members about industrial action, or acting in furtherance of any local dispute, until the stages in this procedure have been exhausted.

## 5. Principles

- 5.1 The procedure aims to comply with the following principles that are contained in the ACAS Code of Practice 1 – Disciplinary and Grievances Procedures:

- All matters of grievance must be raised within 10 working days of the employee becoming aware of the matter giving rise to the grievance.
- Each step and action of the procedure must be taken without unreasonable delay.
- The timing and location of meetings must be reasonable.
- Meetings must allow both the employer and employee to explain their cases.
- The employee can choose to be accompanied at all stages by either a trade union representative or work colleague.

## 6. Standard Procedure

- 6.1 To this end, the following procedure should be adopted as far as is reasonably practical when an employee has a grievance arising from their employment, except where:

- (a) the matter constitutes an appeal against a disciplinary decision, in which case the matter should be taken up in accordance with the Council's disciplinary appeals procedure;
- (b) the employee is aggrieved about the grading of their post, in which case they should contact Human Resources for advice on how to proceed;
- (c) the employee feels that they are being bullied, harassed or experiencing unacceptable aggressive behaviour, in which case they should refer to the Council's Bullying and Harassment Policy and/or contact Human Resources for advice on how to proceed.

- 6.2 The standard procedure should be used as a general guide so that employees' grievances are dealt with fairly and consistently throughout the Council. However, due to the potentially diverse nature of employment-related grievances, on occasions it may be necessary to vary its application to suit the individual circumstances of particular cases. For example, a shorter (modified) procedure may have to be used in certain situations.



- 6.3 Employees should note that if any time they have a work-related personal problem which they feel unable to discuss with their supervisor/line manager, they can contact staff in Human Resources or their trade union representative for advice and assistance.

## 7. **Informal Stage**

- 7.1 The employee and their line manager must attempt to resolve difficulties through informal discussion.
- 7.2 If the grievance is against the line manager, the matter should be raised with the Head of Service.
- 7.3 At this informal stage, both parties should seek to agree the means by which the grievance can be resolved.
- 7.4 If the grievance is not resolved informally and the employee wishes to pursue the matter further, the formal procedure below must be followed. However, if the grievance is against either a Head of Service, Executive Director or the Chief Executive, the procedure will be varied in accordance with 6.2 (above).
- 7.5 In order to process the grievance as quickly as possible, where the employee wishes to pursue the matter formally, they must do so within 10 working days of the informal process coming to an end.

## 8. **Reporting**

- 8.1 If after the informal process the grievance remains unresolved, the employee or employees may raise the grievance formally as outlined as follows:

- **Grievance Forms**

At each formal stage of the process the employee must complete a grievance form (see Appendix 'A'). The form must clearly and specifically state the exact nature of the grievance, the remedy sought and in the case of a collective grievance, the names and signatures of all those individuals party to the grievance.

- 8.2 At Stage 3 (Appeal) if appropriate the form should also state the reasons why the employee is not happy with the recommendations made at Stage 1 or Stage 2.
- 8.3 If the exact nature of the grievance and remedy sought stated on the form are not sufficiently clear, the manager to whom the form was submitted may refer it back to the employee or their representative for clarification.

## 9. **Formal Procedure**

### 9.1 **Formal Stage 1**

- 9.1.1 The employee(s) should set out in writing using the official Grievance Form (Appendix 'A') the substance of the grievance, indicating clearly their reasons for taking the grievance to the next stage along with any relevant documentation and submit it within 10 working days of the outcome of the

informal stage, to their Head of Service and send a copy to the Head of Human Resources.

9.1.2 The Head of Service will acknowledge receipt of the grievance within 3 working days by signing the form and returning it to the employee or in the case of a collective agreement to their representative.

9.1.3 A meeting will be convened no later than 10 working days following receipt of the grievance in writing. The purpose of the meeting and any further investigation will be to consider the grievance including any new information and/or evidence that was not submitted at the previous stage.

9.1.4 The Head of Service will respond in writing to the employee, their representative and any person(s) against whom the grievance has been made no later than 5 working days after the meeting about any decision that has been made and the reasons for reaching that decision.

## 9.2 **Formal Stage 2**

9.2.1 If the employee(s) consider that the grievance has not been satisfactorily resolved, they should set out in writing using the official Grievance Form (Appendix 'A') the substance of the grievance, indicating clearly their reasons for taking the grievance to the next stage along with any relevant documentation and submit it within 5 working days of the receipt of the formal notification of the decision of the previous stage, to their Executive Director\* (or other nominated senior officer). The Head of Service will be informed that the grievance has been taken further.

9.2.2 The Executive Director\* (or other nominated senior officer) will acknowledge receipt of the grievance within 3 working days by signing the form and returning it to the employee or in the case of a collective grievance to their representative.

9.2.3 A meeting will be convened no later than 10 working days following receipt of the grievance in writing. The purpose of the meeting and any further investigation will be to consider the grievance including any new information and/or evidence that was not submitted at the previous stage.

9.2.4 The Executive Director\* (or other nominated senior officer) will respond in writing to the employee, their representative and any person(s) against whom the grievance has been made no later than 5 working days after the meeting about any decision that has been made and the reasons for reaching that decision.

## 9.3 **Formal Stage 3 (Appeal Stage)**

9.3.1 If the employee considers that the grievance has not been satisfactorily resolved, they must inform the Head of Human Resources that they wish to appeal against the decision made, indicating the reasons why along with any new information or evidence. They must do so in writing, on an official Grievance Form, Appendix 'A', within 5 working days of the receipt of the formal notification of the decision of the previous stage. The Executive Director\* will be informed that the grievance has been taken further.

- 9.3.2 The Head of Human Resources (or other nominated senior officer) will acknowledge receipt of the grievance within 3 working days by signing the form and returning it to the employee or in the case of a collective agreement to their representative.
- 9.3.3 An appeal meeting will then be convened following receipt of the notification in writing. The appeal will be heard by a Sub-Committee established by the Council's Staffing Committee for this purpose, supported by a representative to give legal advice. The purpose of the meeting and any further investigation will be to consider the grievance including any new information that was not submitted at the previous stages.

## 10. Procedure to be followed at Appeals Hearing

- (a) The employee (or representative) to put their case in the presence of the Council's representative and to call such witnesses as the employee (or representative) wishes.
- (b) The Council's representative(s) to have the opportunity to ask questions of the employee and the employee's witnesses.
- (c) The Appeal Panel may ask questions of the employee and the employee's witnesses.
- (d) The Council's representative(s) shall put the case in the presence of the employee and the employee's representative and may call witnesses.
- (e) The employee (or representative) to have the opportunity to ask questions of the Council's witnesses.
- (f) The Appeal Panel may ask questions of the Council's witnesses.
- (g) The employee (or the employee's representative) and the Council's representative(s) to have an opportunity to sum up their case if they so wish.
- (h) The Council's representative(s) and the employee and their representative and witnesses to withdraw.
- (i) The Appeal Panel, with the officer appointed as Secretary/Solicitor to the panel, to deliberate in private only recalling the Council's representative(s) and the employee to clear points of uncertainty on evidence already given. If recall is necessary both parties are to return notwithstanding only one is concerned with the point giving rise to doubt.
- (j) When a decision has been reached, the Council's representative(s) and the employee and the employee's representative shall be recalled and the decision of the Appeal Panel announced.

**NOTE:** If the Appeal Panel consider that an important issue of principle has arisen that may affect other employees, the views of the Employees Consultative Committee must be obtained before a final decision is made.

- 10.1 The Appeal Panel will formally respond in writing to the employee, their representative and any person(s) against whom the grievance has been

made in writing no later than 5 working days after the completion of the hearing.

10.2 This is the final stage and there are no further stages within the procedure (except in the case of a collective grievance).

**11. External Stage (Collective Grievances only)**

11.1 Where management and the employees or trade union representatives mutually agree that a collective grievance dispute might benefit from being referred for conciliation, mediation or arbitration to an external body, then the services of the Advisory, Conciliation and Arbitration Service (ACAS) and/or the West Midlands Provincial Council may be sought.

**12. Modified Procedure**

12.1 The modified procedure may be applied only in circumstances where:

(a) the employment has ended;

(b) where it has been agreed between both parties to use the modified procedure;

(c) if either party is unable to complete a step in the procedure (eg, the employee has moved away and cannot reasonably attend a meeting).

12.2 The modified procedure consists of a two step process and should be followed once the informal stage has been exhausted.

**12.3 Formal Stage 1**

The employee should set out in writing the substance of the grievance, indicating clearly their reasons for taking the grievance to the next stage along with any relevant documentation to their Executive Director\* (or other nominated senior officer) and send a copy to the Head of Human Resources.

**12.4 Formal Stage 2**

The Executive Director\* (or other nominated senior officer) will respond in writing to the employee, their representative and any person(s) against whom the grievance has been made no later than 5 working days after the written grievance has been received about any decision that has been made. This is the final stage and there are no further stages within the procedure.

\*Chief Executive in their role as Executive Director for grievances raised in the Chief Executive's Department.

*Revised - 14 March 2013  
Section 9.3.4 – Appeal Panel to be a Sub-Committee  
of Staffing Committee instead of two officers taken from  
EMT/WMT (Staffing Committee – 13 March 2013)*

*Review date: September 2014*



**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**GRIEVANCE REPORT FORM**

**Individual/Collective Grievance raised by:**

**Name** .....

**Job Title** .....

**Directorate** .....**Service** .....

**Representative's name** .....

**Trade Union**.....

For collective grievances please insert names and signatures on sheet attached.

**Nature of Grievance/Dispute:**

**Raised informally with:** ..... **on** (date) .....  
(Manager's name)

**Outcome:** (Summarise outcome of informal discussion/Stage 1/Stage 2\*)

(\*please delete as appropriate)

**GRIEVANCE REPORT FORM (continued)**

**Remedy Sought:**

**Submitted by:**

Name: .....

Signature: ..... Date: .....

**I am:** (\*delete as applicable)

**\*the aggrieved employee**

**\*the aggrieved employee's representative**

**If the above named is not the aggrieved employee please state:**

Aggrieved employee's name: .....

Signature of aggrieved employee: ..... Date: .....

**Submit to: Stage 1:** Head of Service

**Stage 2:** Executive Director \*

**Stage 3:** (Appeal) Head of Human Resources

**Receipt Acknowledged by:**

Manager's Name: .....

Job Title: .....

Manager's Signature: ..... Date: .....

**Receiving Manager to acknowledge receipt by signing and:**

- **returning original form to Employee/Employee's representative within 3 working days of receipt and,**
- **forwarding a copy to the Head of Human Resources**

\* Chief Executive for grievances raised by employees in the Chief Executive's Department



**This page is intentionally left blank**





# GRIEVANCE POLICY AND PROCEDURE

*Originated:*

## CONTENTS

	<b>Page No</b>
1. Introduction and Scope of the Policy	1
2. Informal Stage	2
3. Formal Stage	3
4. Appeal	4
5. Status Quo	5
6. Collective Grievances	5
7. Managing the Process During Sickness Absence	6
8. Monitoring and Review	6
APPENDIX A – Model Letter For An Employee Who Wishes to Raise a Formal Grievance	7
APPENDIX B – Collective Grievance Registration Form	8

## GRIEVANCE POLICY & PROCEDURE

### 1. Introduction and Scope of the Policy

- 1.1 Newcastle-under-Lyme Borough Council recognises from time to time employees may have problems or concerns about their work, working environment, or relationships with colleagues that they wish to raise and successfully resolve.
- 1.2 In line with ACAS guidance and the Code of Practice on Disciplinary and Grievance Procedures this Policy aims to provide the Council with a robust mechanism to deal with such issues promptly, fairly, and as closely as possible to the point of origin. It is designed to promote and maintain positive working relations.
- 1.3 This Policy applies to all Council employees including Chief Officers except for the Chief Executive falling within the scope of the JNC's for Chief Executives, for whom separate arrangements apply.
- 1.4 All employees have the right to express a grievance relating to their employment. A grievance may be raised by an individual or collectively where a group or groups of employees are affected by the same work related issue.
- 1.5 If two or more employees have an identical grievance they can use this Policy to raise a Collective Grievance. Where a Collective Grievance is raised the employees can either use their Trade Union Representative to raise the grievance or nominate one person to act on their behalf. Employees using this procedure collectively cannot raise an individual grievance on the same issue.
- 1.6 This Policy does not apply to those matters where other established appeal arrangements are in place. These include but are not limited to:
  - Disciplinary Outcomes;
  - Action taken under the Attendance Management and Capability Procedures;
  - Consultation, Restructuring and Redundancy;
  - Recruitment, Selection and Probation Procedures;
  - Pay and Grading Issues;
  - Taxation, National Insurance and Pension; or
  - Whereby, the Complaint is considered to be trivial, frivolous, vexatious or repetitive.
- 1.7 Grievances should be raised as soon as possible after the event about which the complaint is being made. The Council may decline to deal with grievances which relate to matters which occurred more than three months before the grievance was raised.
- 1.8 All grievances should be dealt with informally in the first instance through the Council's Managing Conflict Policy. This will depend on the individual circumstances.
- 1.9 If an employee's complaint relates to Bullying, Harassment and Victimisation of or by employees, elected members, customers, service users, contractors, casual and agency workers and anyone else who works for the Council in any capacity, whether

by direct contract with the Council or otherwise, then the matter should be dealt with under the Councils Dignity at Work Policy.

Former employees are also subject to the time limit as stated in Section 1.7 of this Policy. If a former employee wishes to raise a grievance they must indicate in writing that this is the case. ~~Criticisms of individuals or the Council through an Exit Questionnaire will not be considered as a formal grievance for the purposes of this Policy.~~

-1.11 Employees will not be victimised as a result of having invoked the Managing Conflict Policy although any employee found to have made a deliberately false, exaggerated or misleading complaint may be subject to the Council's disciplinary procedure.

1.12 The employee can choose to be accompanied at all stages by either a trade union representative or work colleague.

## 2. **Informal Stage**

2.1 If an employee has a grievance about their employment, they should discuss it informally with their line manager. The majority of concerns, problems and complaints should be resolved in this way. If an employee has a grievance concerning their line manager, the matter can be referred to a more senior manager.

2.2 ~~Should a~~An employee request may choose to be accompanied by their Trade Union Representative or work colleague ~~at this initial stage, this will not unreasonably be refused~~. It may not always be necessary for employees to be represented at the informal stage of the procedure, but it is important to note that Trade Union Representatives have an important role to play in resolving matters throughout the various stages of the process.

2.3 Grievances should be dealt with as quickly and efficiently as possible. In some circumstances given the nature of the grievance it may be necessary to undertake an appropriate level of fact finding in order to assist in seeking a resolution.

2.4 Mediation should be considered at all stages but particularly before progressing from the informal to formal stage of the process. Mediation is likely to be most appropriate in cases involving workplace conflict. However, there may be circumstances in which alternative non-adversarial discussions may be undertaken with the aim of promoting a speedy resolution. The role of the mediator is to discuss the issues raised in the grievance with all parties involved and seek to facilitate a resolution.

2.5 Mediation is a voluntary process and will only be used if all parties involved in the grievance agree. However, it is recommended that employees will recognise the benefits of seeking to resolve issues via mediation and will be amenable to and cooperate with this approach.

2.6 All parties will be expected to demonstrate what steps they have taken to achieve a reasonable solution to the problem prior to progression to the formal stage. Where after every effort has been made, the grievance cannot be resolved informally it can be raised under the formal stages of the grievance procedure.

2.7 In order to process the grievance as quickly as possible, where the employees wishes to pursue the matter formally, they must do so within 5 working days of the Informal Stage coming to an end.

2.8 In cases of Collective Grievances, the process can start at the Formal Stage subject to the agreement of management, the employee and the Trade Union.

### 3. **Formal Stage**

3.1 If the employee considers that their grievance has not been resolved to their satisfaction by informal discussion, they have a right to submit the grounds of their grievance in writing to their Head of Service and Head of Human Resources (Appendix A), within 5 working days of the outcome of the Informal Stage.

3.2 This written statement will form the basis of any fact finding or investigation and any subsequent meeting, so it is important that the employee sets out clearly the nature of their grievance and indicates the outcome that they are seeking. If the grievance is unclear, the employee may be asked to clarify their complaint before any meeting takes place (Appendix A).

3.3 The Head of Service (or other nominated senior officer)/Chair will write normally within 5 working days to invite the employee to a grievance meeting to discuss the matter formally. The Head of Service (or other nominated senior officer)/Chair, will notify the employee in writing of the employee's right to be represented at the meeting.

3.4 In all cases every effort should be made for the grievance meeting to be held within 10 working days of receipt of the individual's written grievance.

3.5 All information that is to be presented at the grievance meeting should be provided to the Head of Service (or other nominated senior officer)/Chair and their representative from Human Resources, at least 3 working days before the meeting is due to take place. This is to help ensure that the Head of Service (or other nominated senior officer)/Chair has a full understanding of the issues being discussed.

3.5 In exceptional circumstances information can be submitted on the day of the meeting; however this is at the discretion of the Head of Service (or other nominated senior officer)/Chair. In these circumstances, depending on the amount of information submitted, it may be necessary to reschedule the meeting.

3.6 The employee is entitled to be represented at the meeting, if they wish, by either a colleague or Trade Union Representative. The Trade Union Representative or work colleague should be allowed to address the meeting, to present and sum up the employee's case, respond on behalf of the worker to any views expressed at the meeting and confer with the employee during the meeting.

3.7 The Trade Union Representative or work colleague does not have the right to answer questions on the employee's behalf, address the meeting if the employee does not wish it or prevent management from explaining their case.

3.8 The employee or Trade Union Representative or work colleague will have the opportunity at the meeting to explain the grievance in detail and say how they would like it to be resolved. Every effort will be made by the Head of Service (or other nominated senior officer)/Chair to resolve the matter at this stage.

- 3.9 In some circumstances, it may be necessary to gather information about the matter or to adjourn the meeting so that certain details can be looked into, before discussing it further.
- 3.10 After the meeting the Head of Service (or other nominated senior officer)/Chair will respond to the grievance in writing, where possible within 5 working days, explaining the outcome and any action to be taken to resolve the grievance and the right to take the matter to the next stage. Where it is not possible to respond within 5 days, the individual should be contacted in writing and advised of the estimated timescale within which a substantive response will be provided.

#### 4. **Appeal**

- 4.1 If the employee remains dissatisfied, they can appeal to the Head of Human Resources, within 5 working days of receipt of the written response at the Formal Stage. The appeal must be made in writing and addressed to the Head of Human Resources confirming the grounds of their appeal.
- 4.2 If the employee considers that the grievance has not been satisfactorily resolved, they must inform the Head of Human Resources that they wish to appeal against the decision made, indicating the reasons why along with any new information or evidence.
- 4.3 The Head of Human Resources (or other nominated senior officer) will acknowledge receipt of the grievance within 3 working days.
- 4.4 An appeal meeting will then be convened following receipt of the notification in writing. The appeal will be heard by a Sub-Committee established by the Council's Staffing Committee for this purpose, supported by a representative to give legal advice. The purpose of the meeting and any further investigation will be to consider the grievance including any new information that was not submitted at the previous stages.
- 4.5 **Procedure to be followed at Appeals Hearing**
- (a) The employee (or representative) to put their case in the presence of the Council's representative and to call such witnesses as the employee (or representative) wishes.
  - (b) The Council's representative(s) to have the opportunity to ask questions of the employee and the employee's witnesses.
  - (c) The Appeal Panel may ask questions of the employee and the employee's witnesses.
  - (d) The Council's representative(s) shall put the case in the presence of the employee and the employee's representative and may call witnesses.
  - (e) The employee (or representative) to have the opportunity to ask questions of the Council's witnesses.
  - (f) The Appeal Panel may ask questions of the Council's witnesses.
  - (g) The employee (or the employee's representative) and the Council's representative(s) to have an opportunity to sum up their case if they so wish.

- (h) The Council's representative(s) and the employee and their representative and witnesses to withdraw.
- (i) The Appeal Panel and the representative from Legal Services to the panel, will deliberate in private only recalling the Council's representative(s) and the employee to clear points of uncertainty on evidence already given. If recall is necessary both parties are to return notwithstanding only one is concerned with the point giving rise to doubt.
- (j) When a decision has been reached, the Council's representative(s) and the employee and the employee's representative shall be recalled and the decision of the Appeal Panel announced.

**NOTE:** If the Appeal Panel consider that an important issue of principle has arisen that may affect other employees, the views of the Employees Consultative Committee must be obtained before a final decision is made.

- 4.6 The Appeal Panel will formally respond in writing to the employee, their representative and any person(s) against whom the grievance has been made in writing no later than 5 working days after the completion of the hearing.
- 4.7 This is the final stage and there are no further stages within the procedure (except in the case of a collective grievance).

## 5. **Status Quo**

- 5.1 When a grievance is raised by an employee in respect of proposed changes to their terms and conditions of employment and, when practical, where a grievance has been lodged in response to changes to working practices, no change shall be made to the relevant terms and conditions of employment until the agreed grievance procedures have been exhausted.
- 5.2 The Status Quo will apply from when the grievance is formally lodged by the employee or their representative until the grievance procedure is completed. This also applies to a Collective Grievance.
- 5.3 However, the Status Quo Arrangements will not be applicable where this would pose a risk to health and safety of employees or the public or would put the Council in to disrepute or possible litigation.
- 5.4 Furthermore, the recognised Trade Union will refrain from completing balloting of their members about industrial action, or acting in furtherance of any local dispute, until the stages in the procedure have been exhausted.

## 6. **Collective Grievances**

- 6.1 Where more than one individual raises the same grievance, this will normally be dealt with as a single collective grievance rather than as a number of individual complaints. In such cases either the Trade Union or other workplace representative can raise the matter on behalf of all those employees involved and can represent them through the stages of this procedure. (Appendix B)
- 6.2 Where a grievance is brought on behalf of more than one person, the representative must ensure that they have the express consent to bring the grievance on behalf of

the persons concerned and have a responsibility to inform the Head of Human Resources which employees have made the Collective Grievance.

- 6.3 In exceptional circumstances, where there is a failure to formally resolve a Collective Grievance, conciliation may be sought from ACAS with the agreement of both parties. Trade Union Representatives are advised to inform their Regional Officers where conciliation is sought.

7. **Managing the Process During Sickness Absence**

- 7.1 In the interests of progress for all parties, the grievance may continue to be heard during absence following consultation with Occupational Health and the employee concerned or their representative.

- 7.2 If an employee is not fit to attend meetings concerning their grievance consideration will be given to the employee being allowed to send a representative or make written representations instead.

8. **Monitoring and Review**

- 8.1 This Policy and Procedure will be reviewed in line with organisational and legal requirements.



## Model Letter for an Employee who wishes to raise a Formal Grievance

**CONFIDENTIAL**

Name and Address

Date

Dear

I am writing to inform you that I wish to raise a formal grievance in line with the Council's Grievance Policy.

The details of my grievance and the basis for that grievance are given below:

- 
- 
- 
- 

This took place on (date) or between (relevant dates).

The solution I am seeking is:

I confirm that I have made attempts to resolve this matter informally on (date) with (name). I did not accept the outcome of the because (reason)

I would like you to arrange a meeting with me to discuss this matter. I intend to exercise my right to be accompanied to that meeting by a fellow employee or Trade Union Representative.

Name



**Provide details of Collective Grievance**

<p><b>Details of Grievance:</b></p>
<p><b>Remedy Sought:</b></p>

**Once completed, please forward this form to the Head of Human Resources**

**This page is intentionally left blank**

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**ITEM FOR STAFFING COMMITTEE**

**15 August 2016**

**1. ATTENDANCE MANAGEMENT POLICY AND PROCEDURE**

**Submitted by:** Executive Management Team

**Portfolio:** Policy, People and Partnerships

**Purpose of the Report**

To obtain the Committee's approval to adopt the new Attendance Management Policy and Procedure.

**Recommendation**

**That the Policy detailed at Appendix A be approved.**

**1. Introduction**

- 1.1 It is widely recognised that attendance has a significant impact on the Council's ability to deliver efficient and effective delivery of services. Sickness absence can increase stress among staff that are left to cover for absent colleagues and can also increase employment costs.
- 1.2 We are likely to see an increase in sickness absence rates over time due to the changes affecting working in local government and increased pressures on services with less available resources.
- 1.3 In order to facilitate a reduction in sickness absence costs the Council proposes to make a number of changes to its current Attendance Management (appendix B) and Capability Policies and Procedures.
- 1.4 One of the key aspects is to introduce the Bradford Factor Score, this tool gives a clear measurement and employees will be aware when they have met a trigger point and at which stage of the procedure their attendance will be managed.

**2. Background**

- 2.1 The Council's Human Resources policies and procedures are subject to an ongoing review to ensure that they remain fit for purpose, legally compliant and provide a valuable and workable resource for employees and managers on employment related issues in the workplace.
- 2.2 Absence data from West Midlands Employers Association shows the average number of sickness days is 9.13. This demonstrates that absence is an issue for Councils.

2.3 The Council's absence performance has been regularly reported to the Finance, Resources and Partnerships Scrutiny Committee and is as follows:

Average number of days per employee lost to sickness	Result	Target
2013-14	7.63 days	7.5 days
2014-15	7.17 days	7.5 days
2015-16	9.84 days	7.5 days

- 2.4 The current procedure does not include any clear measurements that the employee is required to achieve during a review period nor of the next stage if they reach a certain target point, this is currently left to the discretion of the manager. It also does not easily pick up intermittent absences, which can be quite disruptive for service areas that have to back fill.
- 2.5 There is clearly significant time delays through using two policies to manage sickness absence, its only when the current Attendance Procedure has been exhausted the employee's attendance is transferred onto the Capability Procedure, which starts at stage 1 and may continue to dismissal, by this time the employee may be absent from work for a significant time. It is also confusing for both managers and employees to transfer from one policy to another. The process within the current Attendance Procedure is difficult to follow and needed clearer guidance.
- 2.6 The introduction of one policy to manage attendance (Appendix A) will clearly inform all employees, managers and trade unions of their responsibilities to improve attendance rates and provides management with more in depth advice and support, giving clear guidance at each stage of the procedure and also clearly defines the expectations which should improve attendance rates.
- 2.7 The new policy should encourage employees to attend work regularly and will assist managers to reduce levels of sickness absence in their teams in a fair and consistent way while maintaining a caring and a sympathetic approach towards the health and welfare of employees. The procedure may be varied depending on the nature of the sickness through discussion with Human Resources. Flexibility covers disability/ pregnancy related illnesses.
- 2.8 The Bradford Factor Score in the past has mainly been used in the private sector, however more public sector organisations are using this measurement to help reduce their sickness absence rates. Staffordshire County Council, Lancaster City Council, Corby BC, Coventry City Council, various universities, schools and the NHS, have introduced the Bradford Score because it provides formal trigger points for management intervention and also their HR systems are able to generate the Bradford calculation and run sickness absence reports.
- 2.9 It was reported back in 2011 that Bradford Council saved more than £1m when they introduced this measurement that reduced their sickness rates.
- 2.10 By introducing the Bradford Factor scoring system for managing sickness absence that takes into account the occurrences of sickness absence and the duration of the absence to ensure a fair and consistent approach is adopted across the organisation and will be addressed as soon as an employee hits a trigger point which will be a fairer a clearer process to follow.

- 2.11 Current monitoring triggers would change from 8 days, or 4 weeks, within 12 months to a Bradford Factor Score based system. Scores of at least 150 points would trigger a stage 1 meeting, whereas points of at least 500 would trigger a stage 2 meeting.

The Bradford score considers the occurrences and the duration of sickness absence:

Scores of 150 points would trigger a stage 1

4 absences totalling 10 days = 60 (4 x 10 x 4 = 160)

Scores of 500 points would trigger a stage 2

5 absences totalling to 20 days = (5 x 20 x 5 = 500)

- 2.12 The Council's Time and Attendance system - Mitrefinch can provide short term and long term sickness reports based on the Bradford score for each service area and will indicate to managers when the employee has hit a certain trigger point. Therefore it is important that managers update the system when the employee rings in sick, the system enables to make a note of the conversation they have had with the employee and record the date of the RTW interview. By capturing this information on the system will save time and resources as the upgraded system will automatically generate reports and email these to the manager.

- 2.13 Benefits of the revised policy include:

- Improved perception on the fairness in how the current scheme is applied;
- Ensures a consistent approach;
- Improved support for long term sickness;
- Improved guidance for employees and managers;
- Transparency of the Attendance Management process;
- Ensures managers are responsible for reviewing sickness absence levels in their service areas and also to ensure they take the appropriate action; and
- Improved clear processes throughout the procedure, to ensure managers take greater ownership and responsibility for managing attendance in their service areas.

- 2.14 It is proposed that, if the policy is adopted, the Bradford Factor Scores would be calculated under the new scheme rules to give everyone a 'Bradford Score'. Action under the policy would be suspended upon implementation and will only be activated upon the first period of absence after implementation. Historical sickness data, valid at that time (including any transferred data still applicable in the 'rolling year' calculation), will be taken into account. However, it has been agreed with the Joint Trade Unions that employees that are currently at stage 3 of the current Capability Policy and Procedure should be considered as Stage 3 of the revised Attendance Management Policy and Procedure.

- 2.15 All managers and trade union representatives will be trained in the new policy and procedure.

### **3. Aims of the Policy**

- 3.1 This policy and procedure aims to encourage a high level of attendance that is crucial in enabling the Council to meet its objectives. It encourages employees to attend work regularly and will assist managers to reduce levels of sickness absence in their teams in a fair and consistent way while maintaining a caring and sympathetic approach towards the health and wellbeing of employees.

**4. Issues**

- 4.1 At its meeting on 11 July 2016, the Employees Consultative Committee recommended that the new Policy be adopted in principle and the Bradford Factor score used for a six month trial period commencing from 1 October 2016 in order to train managers and trade unions on the new policy and procedure. It was proposed that after this period it should be reviewed and if the trade unions and officers were not in agreement for its continued use, other means of measuring attendance would be sought and brought back to the committee.

**5. Legal and Statutory Requirements**

- 5.1 It is important that the council's is important that the council's policy and procedure on Attendance Management reflects current best practice and ensures the council fulfils its obligations in accordance with the statutory legislation.

**6. Equality Impact Assessment**

- 6.1 Implementation of the policy will help to ensure the Borough Council fulfil its responsibilities as an equal opportunities employer.

**7. Financial and Resource Implications**

- 7.1 None

**8. Major Risks**

- 8.1 None identified.

**9. List of Appendices**

Appendix A – New Attendance Management Policy and Procedure  
Appendix B – Current Attendance Management Policy and Procedure

**10. Earlier Committee Resolutions**

Employees Consultative Committee – 11 July 2016





# **ATTENDANCE MANAGEMENT POLICY AND PROCEDURE**

DRAFT

December 2015

<b>CONTENTS</b>	<b>PAGE</b>
1. Policy Statement	1
2. Scope	1
3. Executive Management Team Responsibilities	2
4. Managers' Responsibilities	2
5. Employees' Responsibilities	2
6. Trade Union	3
7. Human Resources' Responsibilities	4
8. Sickness Absence Reporting Procedure	4
9. Certification	5
10. Absences longer than Seven Calendar Days	5
11. The Statement of Fitness for Work or 'Fit Note'	5
12. Hospitalisation	5
13. Work Related Ill-Health or Injury	6
14. Infectious Disease/Virus	6
15. Medical Appointments	6
16. Pregnancy or IVF Related Treatment/Sickness	6
17. Return to work Interviews	6
18. Maintaining Contact	7
19. Referrals to Occupational Health	8
20. The Bradford Factor	9
21. Unacceptable Attendance Levels	9
- Managing Short Term & Intermittent Absence	9
- Long Term Absence	16
22. Alternative Employment	19
23. Monitoring of the Policy	19

Appendix A – Managers Guidelines for Conducting a Return to Work Interview

Appendix B – Return to Work Interview form.

Appendix C – Attendance Management Procedure Flow Chart

Appendix D – Appeal process

## 1. Policy Statement

- 1.1 This policy and procedure aims to encourage a high level of attendance that is crucial in enabling the council to meet its objectives. It encourages employees to attend work regularly and will assist managers to reduce levels of sickness absence in their teams in a fair and consistent way while maintaining a caring and a sympathetic approach towards the health and welfare of employees.
- 1.2 Sickness absence can have a significant impact on the council's ability to deliver efficient and effective services. Absence can increase stress among staff that are left to cover for absent colleagues and can also increase employment costs.
- 1.3 The council aims to create a work environment that promotes the physical, mental health and wellbeing of its employees. It seeks, where possible to accommodate those employees with health or welfare problems that affect their capacity to work.
- 1.4 To support this we will look at ways to adapt work to health problems wherever this can be achieved by reasonable adjustments. The aim is to help people remain engaged in their work despite their health problems and to achieve early return to work and rehabilitation back into the workplace.
- 1.5 We do not expect employees to attend work when they are too ill to do so. However, 'fitness for work' is often not an all or nothing situation and so the offer of alternative work, rehabilitation or phased return to work should enable people to contribute and retain employment when unable to carry out their full duties because of health problems.
- 1.6 The council is committed to the principle of equality of opportunity in employment, training and service delivery. We value each individual based on the positive contribution they can make and aim to ensure all employees are treated fairly and equitably.

## 2. Scope

- 2.1 This policy and procedure applies to all employees except the Chief Executive and managers employed under JNC Chief Officer Conditions of Service.
- 2.2 The policy and its implementation will be monitored in line with relevant legislation for its impact on different staff groups categorized for example by gender, marital status, race, ethnic origin, sexual orientation, age, religion or disability and others as appropriate. This process will provide a check on whether there are any differences and allow the council to take steps to eliminate differences that have an adverse impact on any particular group.
- 2.3 This policy should be used in conjunction with the Disciplinary Procedure where necessary.
- 2.4 Due to the varied nature of sickness absence and related issues, the procedure may be varied as necessary through discussion with HR.

### **3. Executive Management Team**

- 3.1 EMT is responsible for ensuring Heads of Service and Business Managers monitor sickness absence and that return to work interviews are signed off and submitted to Human Resources within five working days of the end of each month.

### **4. Managers' Responsibilities**

- 4.1 Managers are expected to communicate regularly with their staff and, in doing so, identify where any problems exist which may impact on attendance. They influence the behaviour of individuals within the workplace. They should ensure that all staff are familiar with the absence reporting procedure and are clear about the correct steps to take when they are ill and any follow-up action when they return to work. New employees need to be aware that attendance levels are reviewed as part of the induction/probationary process.

- 4.2 In addition, managers also have broader responsibilities for encouraging good attendance by ensuring that:

- support and assistance is provided to help employees reach and maintain the required standard;
- employees have a reasonable workload;
- employees undertake the necessary learning and development activities that are required for their role;
- they are the first point of contact when the employee phones in sick;
- they maintain contact with the employee during the period of sickness absence, particularly in the case of long term absence;
- work is appropriately covered during the employee's absence;
- sickness absence levels are monitored within their team to help create a positive environment and address any issues which may be contributing to increased absence levels;
- patterns of absence which may cause concern are identified and appropriate action is taken;
- return to work interviews are carried out for each case of absence; and
- matters relating to an employee's attendance are dealt with sensitively and consistently, maintaining confidentiality, dignity and fairness.

### **5. Employees' Responsibilities**

- 5.1 Employees are expected to communicate regularly with their manager. They are encouraged to advise their manager of any problem that exists, or may arise, which impacts on their attendance. They have a duty to engage fully in the attendance management process and to work with their managers to find ways to avoid absence wherever possible. Whilst standards of attendance must be met, each case will be treated on its merits and any mitigating factors the employee puts forward regarding poor attendance, e.g. disability related absences, should be fully considered. These responsibilities include:

- Attending work unless unfit to do so;
  - Understanding the roles and procedures outlined in this procedure and in conjunction with their terms and conditions of employment;
  - Reporting sickness absence promptly in accordance with the procedure;
  - Ensuring the appropriate certifications are completed and provided;
  - Attending return to work interviews, formal stages and review meetings when required;
  - Maintaining contact with their manager at regular intervals in order to update on progress and changes in prognosis;
  - Ensuring medical advice and treatment, where appropriate, is received as quickly as possible in order to facilitate a return to work;
  - Not engaging in activity which may delay recovery;
  - Not taking up paid employment elsewhere whilst on sickness absence when working for the council;
  - Attending referral meetings to the Occupational Health Service, as required; and
  - Submitting to an examination by a medical practitioner nominated by the council as required.
- 5.2 Failure to co-operate and engage in the process will leave the council no alternative but to make decisions regarding their absence and future employment, based on information available at the time. In these cases, managers must refer to HR for advice.
- 5.3 Certain categories of illness must be carefully considered whether an absence should count towards the formal stages of the procedure. These categories are not exhaustive, however, would include any absences that are related to disability or pregnancy. For further guidance refer to HR.
- 5.4 Employees who fail to follow the sickness absence procedure may be subject to action under the council's Disciplinary Procedure. Unauthorised absence is considered to be misconduct and will be considered in accordance with the Disciplinary Procedure. In exceptional circumstances, the council reserves the right to withhold Occupational Sick Pay if an individual does not co-operate with reasonable requests from management/Human Resources, or does not comply with the requirements within this Policy and Procedure.

## **6. Trade Union**

- 6.1 Trade unions work with the council to assist with the process and play a vital role in supporting their members by working with the council to enable employees to maintain the attendance standards expected of the council. It is recommended that a trade union representative is contacted by the employee at the earliest stage in the formal process so that appropriate advice, guidance and support can be offered to the employee.

## 7. Human Resources' Responsibilities

7.1 Human Resources will monitor sickness absence. However, the prime responsibility for managing attendance remains with the manager. In addition Human Resources will:

- Provide advice/guidance and support as appropriate on a case by case basis
- Develop and advise on reasonable targets, review periods and timescales;
- Consider reasonable adjustments in line with the Equality Act; and
- Organise referrals to Occupational Health and liaise with Health and Safety and internal/external employee support resources where necessary

## 8. Sickness Absence Reporting Procedure

8.1 An employee who is sick and cannot attend work should normally contact their manager (or the person designated for the purpose within the service area) by a telephone call as soon as possible on the first day of absence, or within one hour of their normal start time at the latest.

8.2 Employees should not normally ask anyone else to make contact on their behalf unless it is not possible for them to do so. *It is not acceptable to leave a message with the Contact Centre.* If the designated person is not available when the call is initially made, then attempts must be made to call again later or leave a contact number so that the call can be returned later in the day by the manager/supervisor. **Absence should not be communicated via text message or email.**

8.3 When reporting absence from work due to sickness, employees will be expected to give as much of the following information as possible:

- The nature of illness and the anticipated length of absence;
- Details of any outstanding or urgent work that needs to be dealt with during the absence;
- Details of how they can be contacted if necessary, especially where the employee is staying at a different address during their absence.

8.4 Where an employee becomes ill while at work and feels too unwell to continue working, they must speak to their manager who will give permission for them to leave work (either temporarily or for the day) and for them to seek medical advice where appropriate. When an employee has attended work for half of their normal working day or more but has then had to leave due to illness, this will not be recorded as sickness absence for monitoring purposes.

8.5 Employees should, wherever possible, make full use of flexible working arrangements.

## **9. Certification**

9.1 For absence of 4 calendar days or more the employee is required to complete a self-certification form immediately on their return to work covering the first day of absence to the seventh. A Self Certificate is not required when a Statement of Fitness for Work is obtained that covers the employee from the first date of absence. Failure to comply with the certification procedure may result in loss of sick pay. Misleading or false statements will be dealt with under the council's Disciplinary Procedure.

## **10. Absences longer than Seven Calendar Days**

10.1 If the employee continues to be absent for more than 7 consecutive days (regardless of whether or not these are working days) they must consult a doctor and obtain a Statement of Fitness for Work or 'Fit Note', for the eighth day onward, which must be forwarded immediately to Payroll. Any delay in receiving the statement will require an explanation and may lead to sick pay being withheld. The employee must also contact their manager on the eighth day of absence to inform them of relevant details and likely length of absence.

## **11. The Statement of Fitness for Work or 'Fit Note'**

11.1 The Statement of Fitness for Work or 'fit note', focuses on what an employee may be able to do at work rather than what they cannot do.

11.2 A GP will be able to suggest ways and temporary adjustments that may help an employee to get back to work. This might mean discussing:

- a phased return to work
- flexible working
- amended duties
- workplace adaptations

11.3 The GP's recommendations are not legally binding and the employer does not have to act on the advice or suggestions. If the changes suggested cannot be made for whatever reason, the statement will be regarded as saying 'not fit for work' for sick pay purposes. An employer is, of course, obliged to pay statutory sick pay and to make reasonable adjustments under the Equality Act 2010.

## **12. Hospitalisation**

12.1 In the event of hospitalisation, the same notification procedure should be followed unless the sickness/hospitalisation prevents this. The manager should be notified of the hospitalisation as soon as practicably possible, either by the employee or by a person acting on their behalf. Hospital admittance and discharge certificates should also be forwarded to the manager as soon as possible. It is not expected that employees should send further medical certificates during a stay in hospital providing admittance certificates have been forwarded.

12.2 Following the period of hospitalisation, any additional sickness absence reporting necessary should follow the procedure outlined in paragraphs 8 and 9.

### 13. Work Related Ill Health or Injury

- 13.1 If an employee or manager believes that ill health or injury has been caused at work, the employee should report this to their manager. In cases of injury, they should ensure this is recorded on the Health and Safety monitoring system and that an Accident Report Form is completed as soon as possible.

### 14. Infectious Disease/Virus

- 14.1 When an employee is unable to attend work due to having an infectious disease/virus, provided the absence is covered by a certificate/'Fit Note' then the sickness will not be counted against the individual's absence record, **but will still need to be reported.**

Examples include:

- Chicken pox
- Diphtheria
- German measles
- Mumps
- Scarlet fever
- Whooping cough
- Flu Pandemic

- 14.2 In the case of a Pandemic Flu see the separate policy – 'Pandemic Flu Policy' for the reporting procedure to be used.

### 15. Medical appointments

- 15.1 Arrangements covering medical and dentist appointments are covered by the council's Flexible Working Hours Scheme where applicable. Such appointments should not be recorded as sickness absence unless the appointment requires a whole day's absence.

### 16. Pregnancy or IVF Related Treatment/Sickness

- 16.1 Pregnancy or IVF related treatment/sickness absence should be recorded separately and will not be recorded as sickness absence for monitoring purposes
- 16.2 An employee who is absent due to a pregnancy or IVF related treatment/illness during the four week period prior to her due date will be required to start her maternity leave, and will be entitled to maternity pay and not sick pay. Odd days of pregnancy-related illness during this period may be disregarded if the employee wishes to defer the start of her maternity leave period, and a risk assessment does not indicate that carrying out work will endanger her pregnancy.



## **17. Return to Work Discussions**

- 17.1 When returning to work following sickness absence and regardless of the period of absence (i.e., over half a day or more), the manager/supervisor must arrange to meet with the employee, usually during the first day back or as soon as reasonably practical and undertake a Return to Work Interview. The manager must inform the employee of their Bradford score (see s20). (See Appendix A – Managers Guidelines for Conducting a Return to Work Interview). The Return to Work discussion is crucial in managing attendance. It enables the manager to find out the possible cause of the absence and identify any reasonable adjustments under the Equality Act 2010 where applicable.
- 17.2 The discussion must be carried out sympathetically and in private, maintaining confidentiality. The purpose of the meeting will be to welcome the employee back to work, ensure that there is an accurate record of the absence and appropriate certification and update the employee on work issues. The manager should give assurances of their concern for the employee's welfare, balanced with the manager's concerns about service delivery and the impact on other team members. The manager should also provide the employee with information on the availability of support if required, or refer them to Human Resources.
- 17.3 A record of the meeting must be recorded on the council's Return to Work Interview Form and Record Sheet and promptly passed to HR (Payroll). (See Appendix B – Return to Work Discussion Form and Period Absence Report)
- 17.4 If an employee does not wish to discuss their absence with their manager due to its personal nature, then a meeting with either Human Resources or the Occupational Health Nurse can be arranged. As far as practicably possible, confidentiality will be maintained in these circumstances.

## **18. Maintaining Contact**

- 18.1 Where an employee is absent from work due to sickness, it is important that contact is maintained between the manager and the employee both as a duty of care and as part of the Attendance Management Policy. The manager needs to ensure that work is reallocated and service delivery is maintained. Management has a duty of care to maintain contact with the employee. This is to ensure that the individual does not feel isolated, vulnerable or out of touch. The timing of this contact must obviously be judged with sensitivity and it is important that it is not viewed as harassment from the council. A sympathetic approach should be taken and a genuine interest shown in the employee's state of health. Employees should generally be encouraged by their manager to meet with them on council premises for the purpose of discussing their absence and ways in which their recovery and return to work can be assisted. However, on occasions it may be necessary to undertake a pre-arranged home visit. Managers should liaise with Human Resources for advice and should not go unaccompanied.
- 18.2 The employee and manager should maintain regular telephone contact during the early stages of sickness absence and if any employee is absent from work for more than four weeks and is unable to meet with their manager at work, the manager may arrange with the employee to visit them at home with a Human Resources Officer.

18.3 If absences become long-term, regular contact must always be maintained.

## 19. Referrals to Occupational Health

19.1 The role of the Occupational Health Service is to provide advice and guidance to the council and its employees on the impact of an employee's ill health on their ability to undertake their duties and what measures can be put in place to support the employee, where appropriate. It is a condition of service that employees may be required to attend a medical examination should the council consider this necessary. The council's medical advisor will carry out any medical examination either during or following any periods of sickness/injury.

19.2 As part of implementing the Attendance Management Policy and Procedure, managers need to consider if it is appropriate to refer an employee to the Occupational Health Service. For example, a referral might be considered:

- Following a return to work interview;
- Following an accident at work or notifiable disease;
- Where there is possibly an underlying medical condition;
- Where an employee has a Bradford Factor (see s.20) score of at least 150, this could equal 4 absences totaling 10 days or 5 absences totaling 6 days in a rolling 12 month period;
- Where an employee has scored at least 500 – 5 absences totaling 20 days or 7 absences totaling 11 days in a 12 month rolling period;
- Where the cause of absence is given as depression, anxiety, stress, or musculoskeletal disorders (low back pain, joint injuries and repetitive strain injuries of various sorts).

19.3 Employees should be advised of the reason for the referral and the benefits of attending. They are required to sign the referral form as it is better that the employee agrees to be referred to the Occupational Health Service. The employee should also be advised that if they decline to attend, management decisions will be taken based on the information available and the outcome may not be so beneficial to the employee.

19.4 An employee has the right of access to their Occupational Health record.

19.5 Once completed the form should be sent to Human Resources to be submitted to Occupational Health.

Human Resources will forward a copy of the Occupational Health Report to the relevant manager.

19.6 The results of the Occupational Health report should be discussed with the employee as soon as possible. The prime objective should be to facilitate a return to work and consideration should be given to reasonable adjustments being made where necessary.

19.7 If the report from Occupational Health is inconclusive, a specialist consultant's report should be obtained by Human Resources.

19.8 Where the Occupational Health provider is of the opinion that a return to work should occur in the near future, the employee will be asked to attend a

meeting with their manager to discuss a rehabilitation programme and a return to work date.

## 20. The Bradford Factor

- 20.1 The Council uses a tool called the 'Bradford Factor' to monitor sickness levels of all its employees and determine what action may need to be taken. This method of measuring absenteeism levels was first established by the Bradford School of Management back in the 1980's and is now a widely established measurement used across all sectors.
- 20.2 This method takes into account the occurrences of sickness absence and the duration of the absence to ensure a fair and consistent approach is adopted across the organisation and has a greater emphasis on the number of occasions of absence than on the total number of days.
- 20.3 The triggers in the Bradford Factor are designed to encourage and help employees to develop appropriate patterns of attendance and all employees are monitored against them by managers informally through Return to Work Discussions and, where necessary, through the formal stages of the policy.
- 20.4 The Bradford scores are calculated on the same basis as statutory sick pay, i.e., calendar days.

The Bradford formula is based on the following:

Number of absences X number of absences X total number of days = Bradford score' for example: 4 absences; 1 of 4 days and 3 of 2 days = 10 days provides a Bradford score of  $(4 \times 4 \times 10) = 160$  points.

- 20.5 The trigger points will not be used in isolation and other factors will be considered to help support a more comprehensive approach to manage and monitor sickness absence procedures.
- 20.6 By using the Bradford scoring matrix employees are aware of the trigger points and its aim is to ensure that all employees are treated consistently by applying a fair and consistent approach..

## 21. Unacceptable Attendance Levels

### Managing Short Term, Intermittent Absence

- 21.1 Where an employee's attendance becomes unacceptable in line with the procedure, and weighted in accordance with the Bradford Factor scoring system, formal action must be considered by the manager in consultation with HR (see table s21.2).
- An unacceptable pattern of absence;
  - Where an employee has Bradford factor trigger points, the Bradford Factor score of at least 150, this could equal 4 absences totalling 10 days = 160 or 5 absences totalling 6 days = 150;

- Where an employee has scored at least 500 – 5 absences totalling 20 days = 500 or 7 absences totalling 11 days = 539 in a 12 month rolling period;

(Pro rata for part time employees).

Reports highlighting those employees who have met trigger points will be sent to managers as a reminder to take action if they have not already done so. (In cases of absence due to disability, pregnancy, infectious disease or industrial injury, managers must seek advice from Human Resources before taking further action).

21.2 Absence may be regarded as warranting formal action if an employee, over a 12 month rolling period, attains a score of at least 150 – Bradford Factor, the manager must then as a matter of priority:

- Conduct a Return to Work Discussion if not already done so;
- Review the sickness record and reasons for absence and identify any patterns of absence if appropriate (eg, regular Fridays or Mondays etc) and consider actions appropriate at this stage.

At this stage the employee will be informed that they will be required to attend a formal discussion (Stage 1).

Points Score	Consideration Required by Manager
<p><b>Score of at least 150</b></p> <p>(Eg, this could equal 4 absences totalling 10 days, or 5 absences totalling 6 days in a 12 month rolling period)</p>	<p><b>Stage 1</b></p> <p>The manager/Head of Service formally reviews the employee's sickness absence record in consideration of issuing a written warning.</p>
<p><b>Score of at least 500</b></p> <p>(Eg, 5 absences totalling 20 days or 7 absences totalling 11 days in a 12 month rolling period).</p>	<p><b>Stage 2</b></p> <p>Following a Stage 1 warning being issued, the manager/head of Service formally reviews the employee's sickness absence record with regards to issuing final written warning.</p>
<p><b>Score of at least 875</b></p>	<p><b>Stage 3</b></p> <p>Head of Service formally considers sickness absence record, with regards dismissal.</p>

### 21.2.1 Stage 1 Meeting

Should a formal meeting be required, this should be arranged within 5 working days of the employee returning to work. This should be in writing, giving a specific time and place and given at least 48 hours notice to attend the meeting. The employee has the right to be

accompanied by a trade union representative or work colleague at the formal stages.

- The manager will meet the employee to discuss the level of absence, the standards of attendance expected and how the procedure operates;
- Attempt to resolve any underlying causes of sickness absence, particularly if work related, having regard to any risk assessment;
- Take reasonable steps to alleviate any problems which may be contributing to the absence (e.g. personal problems, relationships with work colleagues). Perhaps temporarily vary working arrangements/hours to resolve a domestic problem);
- Give the employee the opportunity to put their own views and explanations across, explaining what efforts they have made to improve their attendance. The employee will be given the opportunity to ask any questions.
- Consider any reasonable adjustments where necessary.
- Assess the need to refer the employee to Occupational Health;
- Explain to the employee that they have been issued with a Stage 1 warning which will remain on file for 6 months and their attendance will be monitored and set a review period of between 1 and 3 months. This will be confirmed in writing and a meeting will be arranged for the end of the review period;
- Explain that if the employee has any more absence during the review period, a further meeting will be arranged and this will be a Formal Review Meeting. **Note:** (If an employee attends work but is then sent home by their manager after working for half of a day or more, then that day will not be counted against their absence record but may be taken in accordance with the Flexible Working Hours arrangements);
- Ensure the employee is aware of the consequences of not achieving sufficient improvement (i.e., moving to Stage 2 of the Procedure.

### 21.2.2 Stage 1 Review Meeting

A letter inviting the employee to the meeting must be sent which will give 5 working days' notice of the meeting by the manager. The employee should also be informed that they may be accompanied at the meeting by their trade union representative or a work colleague and a copy of their absence record should be included with a letter, along with a copy of the Attendance Management Policy and Procedure.

The following matters should be discussed/considered (managers must obtain advice from Human Resources before the meeting):

- A recap of discussions at the Stage 1 Meeting;
- Review of the number of days, occasions and reasons for absence, including any patterns;
- Support to assist the employee to sustain full attendance;
- Referral to Occupational Health;
- Any underlying medical reasons for absence;

- Carry out/review of any relevant risk assessments;
- The effect of absence on service delivery and the rest of the team (morale, workload, temporary cover etc.).

**Note:** The employee must be given the opportunity to discuss any problems or raise any concerns. If they consider they have a disability, advice should be sought from Human Resources.

### **21.2.3 Where a Stage 1 warning has previously not been issued and the Bradford score is now well in excess of 150**

If an employee has previously reached a Bradford score of more than 150 points but the manager chose not to issue a Stage 1 warning, the manager should still consider a Stage 1 warning following subsequent absences, but **only** as long as the Bradford score is more than 150 points. Managers must consult HR in these circumstances before taking any action.

### **21.2.4 Stage 1:- Expired Attendance Warnings**

A copy of the first stage written warning should be kept on file, but will lapse after 6 months, subject to satisfactory attendance standards being maintained. Where an employee has previously received two Stage One written warnings within the preceding 2 years but attained the required level of improvement during each of the six month warning periods, they should be formally advised by their manager that further failure to maintain an acceptable level of attendance will automatically be addressed under Stage Two of the procedure.

## **21.3 Stage 2:- (A score of at least 500 points)**

If an employee who has been given a 1<sup>st</sup> Stage Warning continues to incur absences which lead to a score of at least 500 on the Bradford Scale and the first formal stage 1 meeting fails to rectify the situation, their manager may then decide (in consultation with HR) to call them to a Stage 2 meeting with a Business Manager. The purpose of the meeting is to advise the employee that their attendance is still unsatisfactory and, furthermore, that should they incur further absences totalling a score of at least 875 points, they will be facing Stage 3 of the Attendance Procedure at which point their manager will consider dismissal.

Should a formal meeting be required, the employee will be informed in writing of the requirement to attend a meeting, giving a specific time and place and given at least 5 days notice to attend the meeting. The employee has the right to be accompanied by a trade union representative or work colleague at the formal stages.

At this stage the manager should have carried out an investigation, which will normally be through the previous meetings and obtained any other relevant information where appropriate.

- The manager will inform the employee that their attendance has not improved to the required level and will share the evidence and a break

down of the Bradford Factor score. The manager will discuss with the employee the level of absence, the standards of attendance expected and how the procedure operates;

- Attempt to resolve any underlying causes of sickness absence, particularly if work related, having regard to any risk assessment;
- Take reasonable steps to alleviate any problems which may be contributing to the absence (e.g. personal problems, relationships with work colleagues). Perhaps temporarily vary working arrangements/hours to resolve a domestic problem);
- Give the employee the opportunity to put their own views and explanations across, explaining what efforts they have made to improve their attendance. The employee will be given the opportunity to ask any questions.
- Consider any reasonable adjustments where necessary.
- At this stage the employee should be referred to Occupational Health for an up to date medical assessment;
- At this time consideration will be given as to whether reasonable alternative employment of the same or lower grade is available and whether it is appropriate;
- Where the manager chooses to issue a second written warning at Stage 2 of the attendance procedure, the employee will have a right of appeal to a Head of Service (usually within 10 working days of the warning being issued, but this may be reasonably extended to provide opportunity for trade union representation). The employee will be informed if there no improvement, then a Stage 3 meeting will be held and the employee could be dismissed.

**Where a Stage 2 warning has previously not been issued and the Bradford score is now well in excess of 500.**

Stage 2 can only be considered where a Stage 1 warning has already been issued within the previous 6 months (i.e., still active) **and** where the Bradford point's gap between Stages 1 and 2 is at least 350 (i.e., the same gap/difference as between the regular Stage 1 and 2 considerations).

Managers must consult HR in these circumstances before taking any action.

### **Stage 2: Expired Attendance Warnings**

A copy of this written warning should be kept on file but will lapse after 9 months if no further breaches of attendance standards have occurred.

#### **21.4 Stage 3: Dismissal (A score of at least 875 points)**

After receiving a 2<sup>nd</sup> Stage Warning, if there is insufficient improvement in the employee's attendance, and

- they attain a score of at least 875 on the Bradford Scale, **and**
- following consultation with HR, and having an up to date OH referral (no more than three months old), their Head of Service considers that dismissal may be appropriate,
  - It has not been possible to find alternative employment within a reasonable period of time; or
  - The employee has rejected or refused to transfer to alternative employment.

The employee should accordingly be advised by the Manager in writing that his/her dismissal is being considered.

**PLEASE NOTE:** Up to date medical evidence (not more than 3 months old) must be considered in reaching this decision.

At this stage the employee must be provided with a full record of the absences and warnings that have led to Stage Three dismissal consideration, along with the Manager's written notification.

This notification should invite reasons (in writing) why the employee considers they should not be dismissed (allowing 5 working days from the receipt of notification, for them to make this written response), also inviting the employee to put his/her case forward at a meeting (arranged by their Manager and allowing a minimum notice of 5 working days). At the meeting, the employee may be accompanied by their trade union representative or a work colleague. The purpose of this meeting is to consider the inability or failure of the employee to fulfil their contractual duties by virtue of unacceptable levels of absence and will consider whether the employee's contract of employment should be terminated or not.

The employee should be notified in writing of the following:

- That a formal hearing is being held and the requirement to attend, giving a minimum of 5 working days notice of the hearing, stating location, date, time of hearing and name of officer conducting the hearing;
- The purpose of the hearing and details of the case;
- That a decision may be taken to dismiss;
- The right of representation by their trade union representative work colleague
- The employee will be informed of their right of Appeal against any action taken;

Where possible notification should be handed direct to the employee, delivered by hand or marked recorded delivery to a home address. Copies of any relevant documents should be enclosed.



At the hearing the presenting officer will need to detail the steps taken to improve the attendance including support and assistance given and targets set and not met.

Stage 3 allows for the following penalties to be applied:

- 1) Final written warning or caution with a further review period.
- 2) Dismissal with contractual notice or pay in lieu of notice
  - If appropriate during the notice period redeployment to an alternative post should be considered if one has not been previously identified.
  - Consideration may be given to protection of earnings for a limited period in appropriate cases where redeployment has been identified.

The decision may also be that a penalty is not appropriate and that the employee should have a further review period.

A letter will be sent to the employee confirming the outcome of the hearing. Where recommendation to dismiss is upheld, the employee will be advised accordingly in writing and informed of the last day of service, setting out their appeal rights to the Appeals Committee. Their decision is final.

The employee will have a right of appeal to the Head of Human Resources within 10 working days of the notice being issued (see appendix D). The expiry or otherwise of an employee's payments under the sickness absence scheme will not affect the decision.

**Where a Stage 3 (dismissal) has previously not been issued and the Bradford score is now well in excess of 875.**

A Stage Three (dismissal) can only be considered where a Stage 2 warning has been issued within the last 9 months (i.e., is still active) **and** where the Bradford point's gap between Stages 2 and 3 is at least 375 (i.e., the same gap/difference as between the regular Stage 2 and 3 considerations).

If not, then a Stage 2 warning may be appropriate now (consult with HR). Please also note: the Bradford point's gap between Stages 2 and 3 would usually be 375 (i.e., Stage 2 is considered at 500 points and Stage Three at 875).

Managers must consult HR in these circumstances before taking any action.

## **21.5 Appeal Stage (Appendix D)**

Where the Appeals Committee decides that dismissal is not justified (following discussion with the Head of HR) or where the appeal is upheld, the employee will return to Stage Two of the procedure and the standards appropriate to that stage will apply.

The managerial decision to dismiss at Stage 3 is not a medical one but should be based on, among other things, medical opinion and/or advice regarding capability and fitness for work. The absence of a medical diagnosis or prognosis does not prevent the manager taking action to dismiss an employee; however, without a medical referral an Employment Tribunal could view the dismissal as unfair. Managers should not make medical judgments and are advised to refer cases (prior to decision) to HR and Occupational Health in order to establish if an underlying medical condition does exist. The clear aim, however, is for managers to manage and for occupational health advisors to provide advice or interpretation about the effect of health on work on their behalf, and for the benefit of employees.

### **Expired Attendance Warnings**

**Stage 3:** Where a decision not to dismiss is made, a copy of the written warning should be kept on file but will lapse after 12 months, subject to satisfactory attendance standards being maintained.

## **21.6 Long Term Absence**

Definition of Long Term Absence -

Defined as more than 4 weeks (20 working days) or where there is evidence of continuing or repeated absence due to a chronic or long-term complaint.

Practice around managing such cases may demand a more sensitive approach due to the nature of the sickness. Managers will need to demonstrate reasonableness concerning the treatment of the employee and whether in all the circumstances the employer can be expected to wait for the employee's return to work.

Long Term Absence – single absences of (usually) more than 20 working days. The purpose of contact is to demonstrate concern and support and to ensure that the employee complies with sickness reporting procedures resulting in correct sickness payments being made and to explore options (in consultation with the HR Officer) for helping the employee to return to work using processes such as phased returns, job adjustments or offer of temporary alternative duties. Managers should also discuss any need for referral to Occupational Health (OH) with the employee as and when this becomes appropriate, to provide assistance in facilitating a return to work, and stress the importance of ensuring OH appointments are kept by employees. Occupational Health may be able to provide advice about options for assisting in the employee's return to work.

A manager does not have to wait until the end of a certificate or for a formal attendance warning to become due in order to make a referral. Early referral is often more beneficial to the employee in assisting their return to work. Managers are also encouraged to maintain open communication with the employee, and embark on a system of absence management through regular Case Management discussions, involving OH and the HR Officer. Employees are reminded that they have a duty to engage fully in the attendance management process such as attending OH appointments and attendance meetings. Managers should initially seek advice from an HR Officer regarding their intention to refer and the reason for referral and this should be discussed with the employee.

It is in the best interest of all concerned to try and resolve sickness absence matters early and co-operatively. Early intervention is usually more effective and helpful than later intervention, when achieving a return to work becomes more difficult. Referral to Occupational Health to obtain information and advice is usually made for cases where an employee has been absent for 20 working days or more but attempts to understand and react positively to the absence should already be well established between the manager and employee before this stage is reached. In instances where the absence is stress related, managers are advised to refer to HR at a much earlier stage.

## **21.7 Long Term Prospects**

At an appropriate time .i.e. not later than the 6 month stage of a continuous sickness absence or earlier if there is no foreseeable return to work, the manager (with advice from an HR Officer) shall in normal circumstances make an assessment of the case based on the following considerations:

- Up to date medical evidence or report, not more than 3 months old;
- The nature of the illness and any medical information available;
- The length of absence to date and what is known about the likelihood and timing of any return to work;
- The need to cover the work for which the employee is engaged to do;
- The feasibility of continuing with any temporary arrangement;
- The employee's length of service;
- Can the service cope with the level of disruption caused by the employee's sickness absence and, if so, then for how much longer? Any action determined by the manager must be well considered and justifiable;
- Any other relevant circumstances, including adjustments under the terms of the Equality Act.

Following this review, the manager must discuss their findings with the relevant HR Officer in order to explore available options with a view to progressing the case, including termination where appropriate.

On receiving the Occupational Health report, advice should be sought from Human Resources and a Formal Review meeting should be arranged to discuss the recommendations/advice received (even if no specific medical advice can be given at that time). At the meeting the manager should discuss measures that might facilitate an early return to work, eg, redeployment, reduced duties whilst rehabilitating, reduced hours of work for a maximum of 4 weeks on returning to work, unless otherwise agreed with Occupational Health.

## **21.8 Formal Meeting**

- 21.8.1 If there is no reasonable prospect of a return to work within the foreseeable future, the manager should consider whether it is reasonable to invite the employee to a Formal Meeting.
- 21.8.2 In all cases, a target date for return to work should be set and the employee advised of the consequences if they are unable to return by that date, i.e. consideration may have to be given to temporary/permanent redeployment or temporary/permanent

reasonable adjustments to their job or a rehabilitation programme identified to enable the employee to return to work. The council cannot create jobs where there are no vacancies. Where the hours of work are reduced as part of the rehabilitation programme, this would normally be on full pay for a limited period of up to 4 weeks. If the normal hours of work are reduced over a longer period, a reduction in salary may be made and the employee will be informed.

21.8.3 Upon return to work the employee will be monitored in accordance with the appropriate stage of the policy.

21.8.4 After 12 weeks of absence a further review should be undertaken which should include the advice from Occupational Health and the HR Officer. The manager should meet with the employee to discuss their continued employment and the options available. These include:

- Return to work with reasonable adjustments;
- Phased return to work programme
- Redeployment options

A letter should be sent to the employee to confirm the outcome of the meeting.

21.8.5 If the employee does not return to work after 6 months of absence or where redeployment is not appropriate or where it has not been possible to redeploy the person and there is no prospect of a return to work within a reasonable timescale and they do not fulfill the ill-health retirement criteria or suffer high levels of long term absence that cannot be sustained by the service consideration will be given to terminating employment on the grounds of incapability under stage 3 of the Procedure. The manager should discuss the appropriate stage of the procedure with Human Resources.

The following should be considered:

- Up to date medical evidence or report not more than 3 months old;
- The nature of the illness and any medical information available;
- The length of absence to date and what is known about the likelihood and timing of any return to work of the absent employee;
- The need to cover the work of the absent employee;
- The feasibility of continuing with any temporary arrangements;
- Can the service cope with the level of disruption caused by the absence? How much longer? Any action by the manager must be justifiable;
- Any reasonable adjustments considered under the Equality Act.

Following this review, the manager must discuss their findings with HR.

Application of the policy must be consistent across the workforce.

Employees subject to length of service may receive a sick pay benefit of up to 6 months at full pay followed by 6 months at half pay, this is dependent on length of service. This does not mean that action under the Attendance Management Procedure should not be considered during these periods.

The stage 3 procedure on page 15 of the policy will apply.

## **22. Alternative Employment**

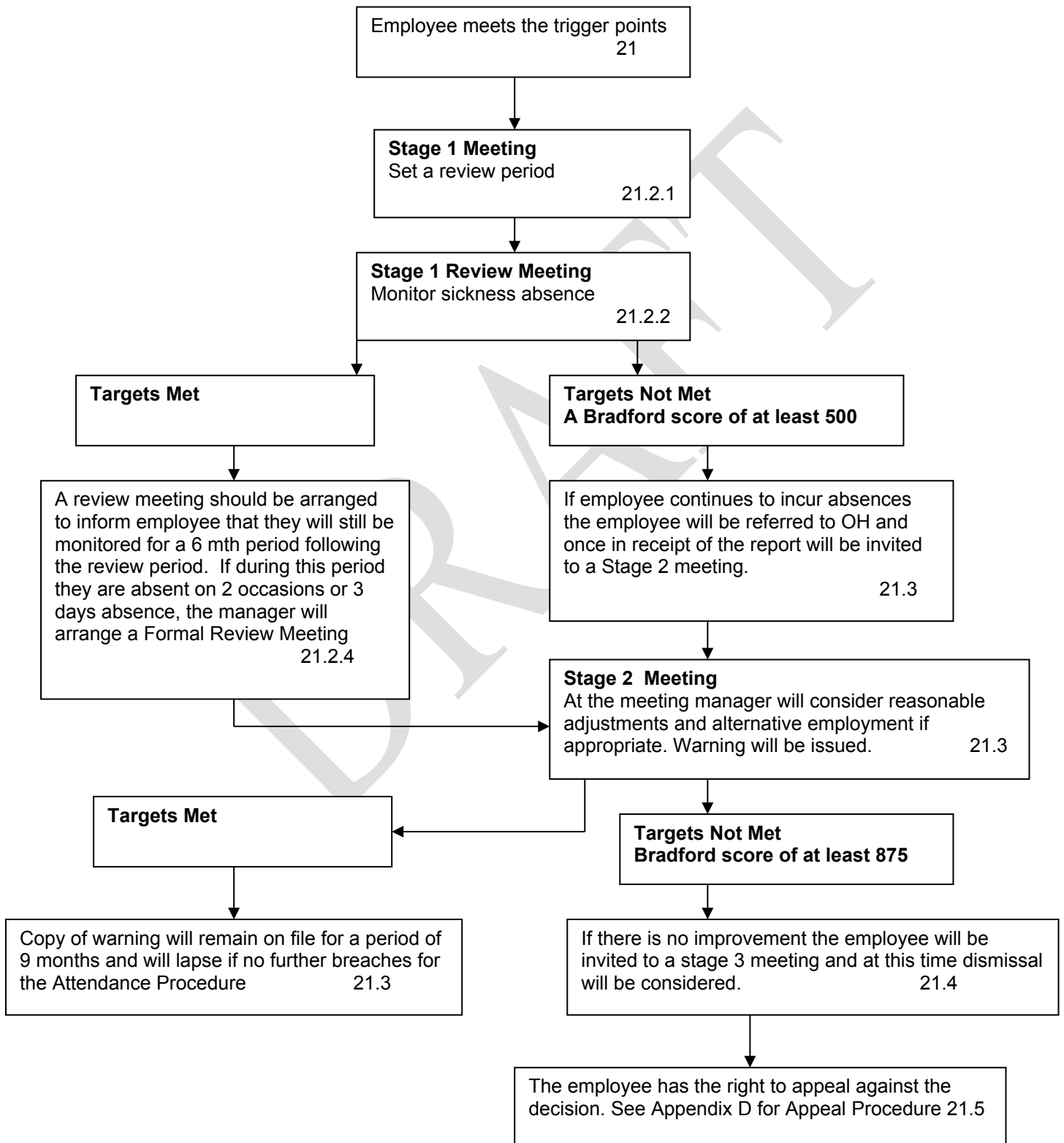
- 22.1 It may be appropriate in certain circumstances to offer the employee alternative employment within the authority. If this is appropriate the Human Resources department will assist the Manager and employee in finding alternative employment. Alternative work cannot be guaranteed, as vacancies cannot be created.
- 22.2 Where a suitable vacancy does exist, the affected employee will receive prior consideration over other candidates, however the appointment will be on the basis of the employee meeting the requirements of the post. A trial period may be required, during which training and support will be given; dependent upon the particular individual circumstances of the case and would usually be for a minimum of 4 weeks, maximum 3 months.
- 22.3 Redeployment will initially be attempted to a post at the same grade as the employee's substantive post. However, this may not always be appropriate or possible. Where post(s) offered are at a lower grade consideration may be given to protection of earnings for a limited period in appropriate cases. The offer will be made in writing and the employee should be given time to consider the offer and be advised to discuss it with their representative.
- 22.4 Human Resources staff will be available to discuss implications on pensions and salary.
- 22.5 These alternatives are available for consideration at any stage of this process, up to and including the Stage 3 hearing and during any notice period.

## **23. Monitoring of the Policy**

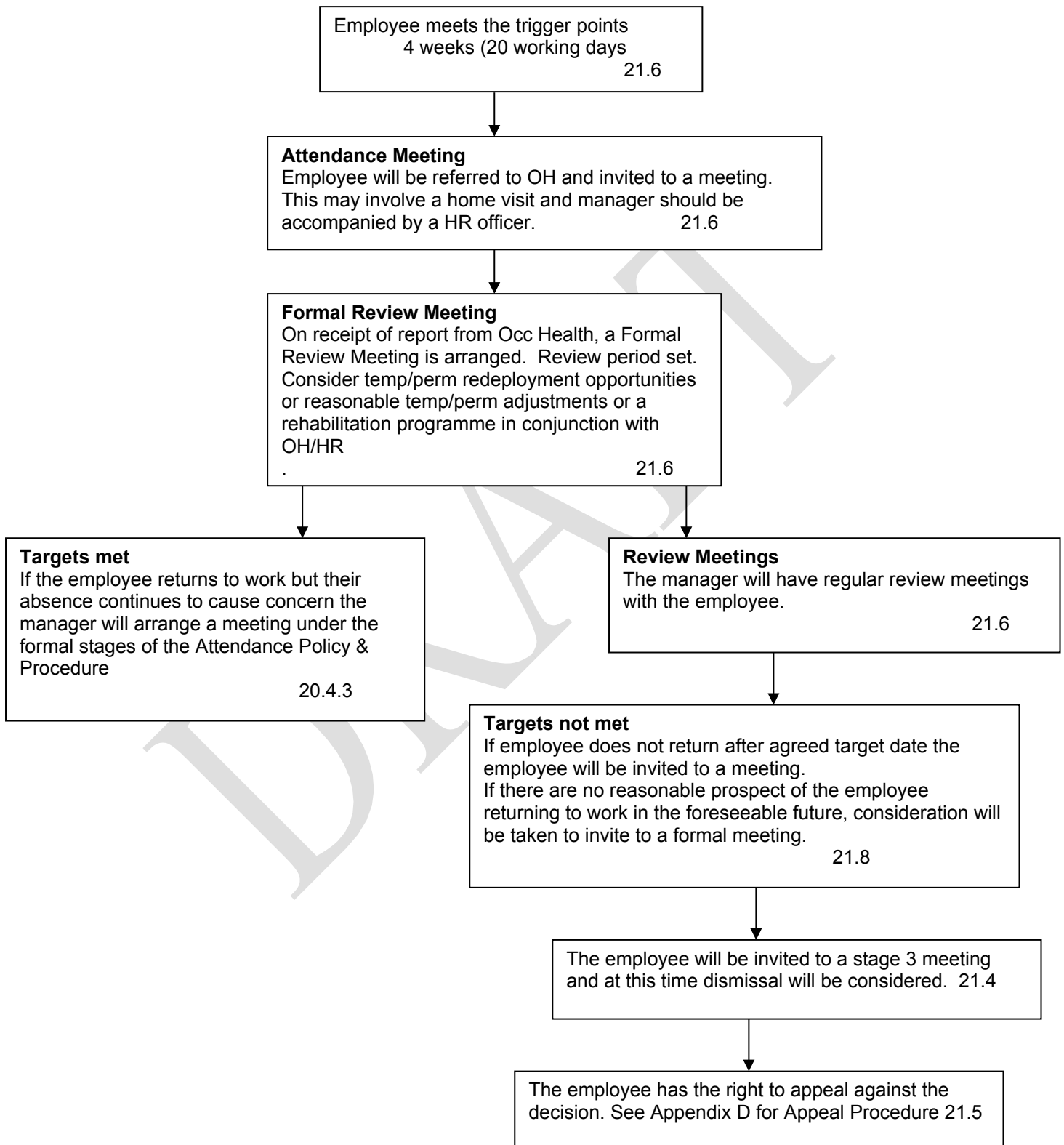
- 22.1 Human Resources in conjunction with the recognised Trade Unions and the Employees Consultative Committee and the Staffing Committee will keep the monitoring of sickness absence and the operation of this policy under review.

## Attendance Management Procedure

### Managing Short Term, Intermittent Absence



### Managing Long Term Absence



**This page is intentionally left blank**





# ATTENDANCE MANAGEMENT POLICY & PROCEDURE

*Originated: January 2008*

*Human Resources Shared Drive/Policies & Procedures/Attendance Management Policy & Procedure*

## **CONTENTS**

	<b>Page No</b>
1. Introduction	1
2. Procedure for Dealing with Attendance	1
2.1 Long Term Sickness	1
2.2 Intermittent Short Term Sickness	3
3. Unauthorised Absence	5
4. Sickness Absence Reporting Procedure	5
5. Conclusion	5
6. Holiday	6
7. Notes	6
Appendix A – Sickness Absence Reporting Procedure	7

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**  
**ATTENDANCE MANAGEMENT POLICY AND PROCEDURE**

**1. Introduction**

- 1.1 The Council wishes to adopt a fair and consistent approach to the control of absenteeism while still maintaining a caring and sympathetic approach towards the health and welfare of all its employees.
- 1.2 Maintaining a high level of attendance at work contributes to and provide positive assistance in the delivery of high quality services encourage a high level of morale among employees and will ensure value for money for the Borough's residents.
- 1.3 The following procedure is aimed at encouraging full attendance by the use of proper management of sickness absence.
- 1.4 At any of the discussion stages it is the right of the employee to be accompanied by their Trade Union or other representative.
- 1.5 Employees should be aware that at any time they may, if they wish, consult staff in Human Resources for confidential advice, counselling and support.
- 1.6 The Council will not discriminate on grounds of gender, marital status, race, ethnic origin, colour, nationality, national origin, disability, sexual orientation, religion, age, spent offences or any other reason that cannot be shown to be justified.
- 1.7 This policy should be used in conjunction with the Capability Policy and Procedure and also the Disciplinary Procedure as appropriate.
- 1.8 Due to the varied nature of sickness absence and related issues, the procedure may be varied as necessary.

**2. Procedure for Dealing with Attendance**

**2.1 Long Term Sickness**

(i) Definition

- Long term sickness absence is defined as any period of continuous certified sickness absence lasting longer than 4 weeks and where there is no immediate prospect of the employee returning to work. (In such cases consideration will be given to staff with a disability in accordance with the provisions of the Equality Act 2010.

(ii) Procedure

Managers must attempt to reduce uncertainty by maintaining contact with the employee, their family or representatives, this may include home visits where appropriate and where the employee's condition permits to:

- enquire after the employee's progress and establish the current situation;
- update the employee on their service area and authority news;
- plan for the employee's return to work (eg facilitate any reasonable adjustments; short or longer term that may need to be made to the

employee's working environment.

All authority notices and newsletters will be sent to the employee's home address on a regular basis, unless the employee specifically requests otherwise.

Employees will be expected to engage in the active management of their absence, attending meetings or medical assessments as required.

There are many imponderables both medically and operational and probably no two cases will be the same, but in most cases it will be appropriate for the Manager to arrange for an employee to be referred to the Occupational Health Service when they have been absent for longer than 4 weeks.

However, depending on initial investigation, it may be appropriate for an appointment to be arranged sooner than this, or even delayed when, for example, investigation indicates an early return to work.

The purpose of the referral will be to:

- assess the nature of the employee's illness/medical condition and to establish both the employee's and Occupational Health's expectations relating to a likely date for a return to work;
- assess whether the illness/medical condition has been caused by any factor in the employee's working environment;
- advise the employee on any medical or welfare matters as they affect their working life.

The results of Occupational Health's report should be discussed with the employee as soon as possible. The prime objective should be to facilitate a return to work and consideration should be given to reasonable adjustments being made where necessary.

If the report from Occupational Health is inconclusive, a specialist consultant's report should be obtained.

Where the Occupational Health Service is of the opinion that a return to work should occur in the near future, the situation will be resolved. If, however the employee continues to remain absent, the situation should continue to be kept under review.

The review process will normally involve an initial meeting to:

- discuss possible causes/problems/difficulties with the employee;
- ensure the employee is aware of the standard of attendance that is required of them;
- identify reasonable practical help/assistance/training to improve the level of attendance (this may include advice from Human Resources, the Disability Employment Advisory Service or re-referral to Occupational Health);
- consider reasonable adjustments/alterations which are consistent with the needs of service but do not change the overall nature of the job and that facilitate a return to work;

- agree a programme of regular meetings and a timescale for improvement (normally between 1 and 3 months);
- ensure the employee is aware of the consequences of their attendance continuing to be unsatisfactory (ie moving into the formal stages of the Capability Procedure and the possible outcome of this);

At the end of the review period a further review meeting should be held to decide whether the review period should be extended or whether it is necessary to instigate a referral to the formal stage of the Capability Procedure.

In the event that Occupational Health recommends light duties/redeployment, consideration should be given to invoke the Formal Stage 1 of the Capability Procedure.

The manager should ensure that the Capability Procedure is not invoked unless:

- the case has been discussed with Human Resources;
- a report has been received from Occupational Health.

## 2.2 Intermittent Short Term Sickness

### (i) Definition

This is defined as intermittent certified and/or uncertified sickness absence which can be divided into two types:-

- (a) Intermittent sickness absence of a similar or related nature (e.g. recurrent periods of back pain).
- (b) Intermittent sickness absence of unrelated illness.

### (ii) Procedure

Short term absences are unpredictable and being difficult to cover they can be very disruptive.

It is not practicable to give precise rules about acceptable levels of short-term sickness absence as the pattern of absences is relevant as well as the total days lost. Capability and conduct can and often do become entangled with sickness. There is always the possibility of abuse especially since short term absences are either uncertificated or covered by self certificates.

It is therefore essential in all cases of absence (including a single day), that a Return to Work Interview is conducted with the employee by the line manager to ascertain the reason for the absence and that a Return to Work Interview form is completed.

The purpose of the interview is to:

- acknowledge the absence and the employee's return to work;
- if possible assist the employee by providing help/advice;
- establish the reason for the absence and determine if there is a recurring problem;
- update the employee on developments and work during the absence;
- review the employee's absence record to determine whether a formal interview is

required.

However, as a guide it is recommended that, normally, steps should be taken to deal with absence problems when:

- the employee has had 4 or more periods of sickness absence in any period of 12 months, or
- when absences amount to 8 or more working days in any period of 12 months.

(in all cases, single days are included).

There may be other situations, however, when an employee's absence is causing concern although not following the above pattern. Frequently there will be a combination of medically certificated and self/uncertificated absences which together constitute a level of absence warranting further investigation.

Where any pattern of absence including the ones above are causing concern, the problem should be investigated and then discussed with the employee.

#### First Formal Interview

The record of absence should be shown to the employee as this will show clearly the pattern of absence.

The employee should be counselled and be given the opportunity to explain the reason for the absence.

The initial discussion should be used to:

- ensure the employee is aware of the attendance standard that is required of them;
- inform the employee of the operational problems the absences are causing and the effects on the overheads of the Service;
- pinpoint the nature of the sickness problem;
- discuss possible causes/problems/difficulties with the employee;
- identify any "non-medical" problems which may be contributing to the absence;
- assess the need to refer the employee to the Council's Occupational Health Service. However, this should only be done when there is a clear indication that there are obvious medical problems;
- identify reasonable practical help/assistance/training to improve the level of attendance (this may include advice from Human Resources, the Disability Employment Advisory Service or referral to Occupational Health);
- consider reasonable alterations to the duties which are consistent with the needs of service but do not change the overall nature of the job;
- agree targets, standards, programmes of action and a timescale for improvement (normally between 1 and 3 months);

- consider requiring the employee to produce a medical certificate for all periods of absence (for example, when the pattern of absence is giving particular cause for concern). The Authority would pay for such certificates;
- inform the employee that their absence will be monitored;
- ensure the employee is aware of the consequences of achieving insufficient improvement (moving into the formal stages of the Capability Procedure and the possible outcome of this);
- review progress with the employee in accordance with the agreed timescales.

Detailed records of absence and interviews should be kept for future reference.

#### Second Formal Interview

At the end of the review period a further review meeting should be held to decide whether the review period should be extended or whether it is necessary to instigate a referral to the formal stage of the Capability Procedure. The manager should ensure that the Capability Procedure is not invoked unless:

- the case has been discussed with Human Resources;
- a report has been received from Occupational Health.

The employee should be notified in writing of the outcome.

### 3. **Unauthorised Absence**

Failure to follow the agreed procedure for notification of sickness absence will be considered to be a disciplinary matter. Payment will not be made and the absence will be subject to appropriate action under the disciplinary procedure.

### 4. **Sickness Absence Reporting Procedure**

It is important that all employees are aware of the specific designated persons to whom they should report their sickness absence, the information they need to provide and when they need to provide the information by.

Full details of the sickness absence reporting procedure are attached at Appendix A.

### 5. **Conclusion**

Long and short term sickness absences involve different considerations and require different approaches. However, one thing all types of absence have in common is that it is not practicable or desirable to lay down detailed rules which must be strictly applied come what may. For example, certain types of absences (pregnancy/disability related illnesses) would normally be excluded when deciding whether the formal procedure needed to be activated. The foregoing procedures provide a broad framework for dealing with each type of absence while allowing due consideration to be given to the individual circumstances.

Individual cases will be dealt with on their merits and particular circumstances. There will be cases where sickness absence had initially been managed by the normal supervisory process, followed by the formal absence management process and then a referral to the capability procedure. In cases of long term ill-health, it may be

because of the illness that the normal supervisory process would not be applicable and there would be a move either directly or via the attendance management process into the formal stages of the capability procedure. However, whatever action is taken, it should not come as a surprise to the employee.

## 6. **Holiday**

Credit for days of absence during statutory, extra statutory, condition or discretionary holidays will not be given.

Sickness absence does, however, override annual leave. Where an employee returns to work during the annual leave year, they would be entitled to take their remaining annual leave, only if there was time to do so. However, employees are entitled to carry forward up to 5 days annual leave from one leave year to the next.

If the employee is not able to return to work and ceases to be an employee due to incapacity, they will be paid for any accrued holiday during the year of absence.

## 7. **Notes**

- 7.1 The Council's Policy on Attendance Management requires line managers to conduct Return to Work Interviews with employees following **all** cases of sickness absence (including single days of absence) and to complete a Return to Work Interview Record.

Return to work interviews should normally take place on the day of return to work unless this is not practicable. In any event, the interview **must** be completed within 5 working days of the day of return.

Sickness absence is being monitored monthly as part of the Council's Improvement Plan. It is important that return to work interviews are carried out effectively and consistently across all departments of the Council and that Senior Managers/Human Resources are alerted early to any potential problems.

- 7.2 Managers should ensure that copies of completed Return to Work Interview Records, all correspondence between the Council and individual employees concerning sickness absence together with any other relevant correspondence and notes/minutes of any meetings held are forwarded to the Human Resources Manager in an envelope marked 'PROTECT- MEDICAL' for monitoring purposes and for inclusion on the employee's central personnel record.

Human Resources

Issued January 2008

Revised April 2010 – No changes

Revised April 2012 – Sickness Absence Reporting Procedure amended to replace references to Medical Certificate with Statement of Fitness for Work/Fit Note and DSS with DWP  
Ref to DDA replaced with Equality Act 2010  
'Confidential' replaced by 'PROTECT- MEDICAL'

Revised July 2013 – Sickness Absence Reporting Procedure (Appendix A) revised.  
(Approved – Staffing Committee – 9 July 2013)



### Sickness Absence Reporting Procedure

- a) An employee who is sick and cannot attend work should normally contact their manager (or the person designated for the purpose within the service area) by telephone as soon as possible on the first day of absence, or within one hour of their normal start time at the latest.
- b) Employees should not normally ask anyone else to make contact on their behalf unless it is not possible for them to do so. If the designated person is not available when the call is initially made, then attempts must be made to call again later or a contact number should be left with a work colleague to pass to the manager/supervisor so that the call can be returned later in the day by the manager/supervisor. If no work colleagues are available, contact details may be left with the Contact Centre for forwarding to the manager/supervisor. Absence should not be communicated via text message or email.
- c) When reporting absence from work due to sickness, employees will be expected to give as much of the following information as possible:
  - The nature of illness and the anticipated length of absence;
  - Details of any outstanding or urgent work that needs to be dealt with during the absence;
  - Details of how they can be contacted if necessary, especially where the employee is staying at a different address during their absence.
- d) Where an employee becomes ill while at work and feels too unwell to continue working, they must speak to their manager who will give permission for them to leave work (either temporarily or for the day) and for them to seek medical advice where appropriate. When an employee has attended work for half of their normal working day or more but has then had to leave due to illness, this will not be recorded as sickness absence. When an employee has left work having worked for less than half of their normal day, the day will be recorded as sickness absence.
- e) Employees who fail to follow the sickness absence procedure may be subject to action under the council's Disciplinary Procedure. Unauthorised absence is considered to be misconduct and will be considered in accordance with the Disciplinary Procedure. In exceptional circumstances, the council reserves the right to withhold Occupational Sick Pay if an individual does not co-operate with reasonable requests from management/Human Resources, or does not comply with the requirements with this Policy and Procedure.

## 2. Certification

Every absence of 4 calendar days or more has to be certified to ensure prompt and correct payment of occupational and statutory sick pay and to ensure that accurate records are maintained. Employees are required to complete a 'Self Certificate' form (available on Evoice or from Human Resources) for each absence of 4 calendar days or more and forward it to their manager as soon as possible. A Self Certificate is not required when a Statement of Fitness for Work is obtained that covers the employee from the first date of absence. Failure to comply with the certification procedure may result in loss of sick pay. Misleading or false statements will be dealt with under the council's Disciplinary Procedure.

### 3. **Absences longer than Seven Calendar Days**

If the employee continues to be absent for more than 7 consecutive days (regardless of whether or not these are working days) they must consult a doctor and obtain a Statement of Fitness for Work or 'Fit Note', for the eighth day onward, which must be forwarded immediately to HR – Payroll office. Any delay in receiving the statement will require an explanation and may lead to sick pay being withheld. The employee must also contact their manager on the eighth day of absence to inform them of relevant details and likely length of absence.

Notes must be dated to run consecutively with no gaps to ensure there are not uncertified periods during the period of absence.

### 4. **The Statement of Fitness for Work or 'Fit Note'**

The Statement of Fitness for Work or 'Fit Note', focuses on what an employee may be able to do at work rather than what they cannot do.

A GP will be able to suggest ways and temporary adjustments that may help an employee to get back to work. This might mean discussing:

- a phased return to work
- flexible working
- amended duties
- workplace adaptations

The GP's recommendations are not legally binding and the employer does not have to act on the advice or suggestions. If the changes suggested cannot be made for whatever reason, the statement will be regarded as saying 'not fit for work' for sick pay purposes. An employer is, of course, obliged to pay statutory sick pay and to make reasonable adjustments under the Equality Act 2010.

You do not need a note to say you are fit to return to work. You should return to work as soon as you feel well enough. If this is before your 'Fit Note' runs out, you should discuss this with your manager and obtain their agreement to your return. However, if your doctor has advised that it would be unsafe or bad for your health to return to work, you should not return to work before the end date on your 'Fit Note' and if you GP wants to assess your fitness again before you return to work, they will indicate this on the note.

### 5. **Hospitalisation**

In the event of hospitalisation, the same notification procedure should be followed unless the sickness/hospitalisation prevents this. The manager should be notified of the hospitalisation as soon as practicably possible, either by the employee or by a person acting on their behalf. Hospital admittance and discharge certificates should also be forwarded to the manager as soon as possible. It is not expected that employees should send further medical certificates during a stay in hospital providing admittance certificates have been forwarded.

Following the period of hospitalisation, any additional sickness absence reporting necessary should follow the procedure outlined in paragraphs 2 and 3.

6. **Statutory Sick Pay Expires**

If your entitlement to Statutory Sick Pay runs out, you must still produce 'Fit Notes' to HR – Payroll office. These will then be forwarded to the Department for Work and Pensions (DWP) by HR – Payroll. Any notifications you receive from the DWP regarding Employment and Support Allowance must be sent to HR – Payroll.

**This page is intentionally left blank**

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**ITEM FOR STAFFING COMMITTEE**

**15 August 2016**

**1. GUIDE TO AGILE WORKING**

**Submitted by:** Executive Management Team

**Portfolio:** Policy, People and Partnerships

**Purpose of the Report**

To obtain the Committee's approval to adopt the Guide to Agile Working.

**Recommendation**

**That the guide detailed at Appendix A be approved.**

**1. Background**

- 1.1 More extensive use of Agile Working is required when the Council offices moves to the new Civic Hub in 2017.
- 1.2 The Council recognises the need to develop modern working practices to enable employees to maximise their performance and productivity and deliver the greatest value to the business, whilst maintaining a good work life balance and reduced travel.
- 1.3 New technology is making it easier to access information remotely, work from a variety of locations, whilst promoting a more joined up service.
- 1.4 Agile working is a term used to describe how employees can work flexibly from any location, whether it is from a Council building, within the Community and client sites or by varying degrees of home working and regular hot-desking. It is based on the concept that work is an activity we do, rather than a place we go.
- 1.5 How and where we work is the key to ensuring we have the right people, in the right place, at the right time. We therefore need to promote and support agile working and enable employees and managers to consider how the ways in which we work can become more diverse and how the time we spend at a particular workstation might reduce. Employees may wish to consider how they might achieve a better work life balance while maintaining or improving service provision, and managers should consider potential benefits of agile working to their service such as improved efficiency, reduced property and travel costs, reduced absence and environmental impact.
- 1.6 The guide includes the criteria for four different work styles; Home, Fixed, Mobile or Flexible for the manager to discuss with the employee and assign a work style to the post with a technological solution. For example a Flexible worker will be someone who spends most of their time working in an office environment, may be frequently away from a desk attending meetings, working from other Council sites or working occasionally from home.

- 1.7 There is no expectation for employees to work at home and Managers cannot force an employee to do so.
- 1.8 The joint trade unions have been consulted on the proposed new guidance and their comments have been incorporated into the guide. They have asked to attend any training events and for the guide to be placed on the intranet to obtain staff feedback.

## **2. Aims of the Policy**

- 2.1 The overall aim is to use this Guide is to enable both managers and staff to gain a better understanding of Agile Working and understand the basic principles, which can then be considered and applied to specific roles. It provides staff with more options with regards to where, when and how they undertake their roles by introducing an element of choice where the needs for the service user are best met.

## **3. Issues**

- 3.1 At its meeting on 11 July 2016, the Employees Consultative Committee recommended that the Policy be adopted and endorsed as a working document, with a six month review following the relocation to the Hub.

## **4. Legal and Statutory Requirements**

- 4.1 It is important that the council's guide on Agile Working reflects current best practice.

## **5. Equality Impact Assessment**

- 5.1 Implementation of the policy will help to ensure the Borough Council fulfil its responsibilities as an equal opportunities employer.

## **6. Financial and Resource Implications**

- 6.1 None

## **7. Major Risks**

- 7.1 None identified.

## **8. List of Appendices**

Appendix A – Guide to Agile Working

## **9. Earlier Committee Resolutions**

Employees Consultative Committee – 11 July 2016



## **Guide to Agile Working**

'work is an activity we do, rather than a place we go'

## Contents

1	Introduction .....	3
2	The Potential Benefits .....	3
3	Scope .....	4
4	Agile Working .....	4
5	Costs .....	7
6	Responsibilities.....	7
	6.1 Corporate responsibilities .....	7
	6.2 Managers responsibilities.....	7
	6.3 Employees responsibilities .....	8
7	Health and Safety .....	9
8	Data Protection, Security and Confidentiality .....	10
9	Allocation of Equipment and Other Financial Support.....	11
10	Insurance, Mortgage and Tenancy Arrangements .....	11
11	Council Tax and Business Rates.....	12
12	Review and Revision Arrangements .....	12

## Appendices

Appendix A	Agile Working Form
Appendix B	Agile/ Homeworking Agreement
Appendix C	Agile/ Homeworking Assessment of Risks
Appendix D	Letter to insurers
Appendix E	Letter to mortgage lender
Appendix F	Housekeeping Rules



## 1. Introduction

Newcastle under Lyme Borough Council (the “Council”) recognises the need to develop modern working practices to enable employees to maximise their performance and productivity and deliver the greatest value to the business, whilst maintaining a good work life balance. In addition, new technologies are making it easy to access information remotely, work from a variety of locations, whilst promoting a more joined up service.

The introduction of Agile working across the Council will not only realise financial gain for the organisation, but provide an enhanced working environment for staff, as well as improving service delivery. Agile working also links to the Council’s vision for Sustainable Development; placing emphasis on the importance of sustainable economic growth and the health and well-being of both staff and the community. The benefits of improved work life balance, employee engagement and reduced travel make a direct contribution to this strategic priority.

Agile working supports the modernisation of our working practices and is part of the continuous change management process.

Agile working is the term used to describe how employees can work flexibly from any location, whether it is from a Council building, within the community and client sites or by varying degrees of home working and regular hot-desking.

Although the nature of most of the roles within the Council cannot be classed as totally flexible, there is considerable scope in many cases for some form of Agile working. The different ways in which Agile working can be undertaken is dependent on the demands and needs of the role, the individual’s preferences and circumstances and the service an employee is engaged in. It is possible, with careful planning and a degree of best practice evaluation, for staff to carry out their duties from a variety of different locations.

## 2. The Potential Benefits

It is anticipated that the implementation of Agile Working will offer benefits to our customers, employees and the employer. The key benefits are as follows:

- allows the Council to provide improved services to our customers;
- allow the Council to focus time and money spent on services not buildings to ensure delivering services takes priority over occupying buildings;
- reduce unnecessary travel time, which increases productivity and reduces cost;
- create an environment which allows employees to achieve an improved work life balance, greater job satisfaction, motivation, morale and productivity;
- result in reduced costs through reduced travel and expense claims;
- lower our carbon footprint, through reduced emissions from reduced travel;

- improve the recruitment and retention of skilled and experienced employees by offering a range of work styles to match individual work preferences; and
- reduced absenteeism and related costs.

For employees, Agile Working can;

- provide an opportunity to manage their working day more efficiently;
- increase engagement as a result of autonomy and trust at work;
- improve work life balance;
- enable them to work more effectively on a particular piece of work, where concentration is important, by avoiding the interruptions that are part of the office environment;
- reduce travelling time and related costs; and
- increase their wellbeing, health and happiness – reduced stress, better sense of control.

### **3. Scope**

The Agile Working Policy applies to all Council employees working at any level within the organisation. The nature and extent of Agile Working will depend upon the job undertaken and considerations will include the impact on the ability to meet customer demand (internal and external) and employee welfare.

The policy will enable both managers and staff to gain a better understanding of Agile Working and understand the basic principles, which can then be considered and applied to specific roles.

The policy covers all Agile Working arrangements and there is an expectation that sharing workstations (hot-desking) will apply.

It is recognised that within integrated services Council employees will be working alongside staff employed by other public sector organisations i.e. Staffordshire County Council, Staffordshire Police etc. Other public sector employees will need to refer to their own organisational policies or appropriate joint protocols regarding Agile working.

For administrative purposes, including the claiming of travel expenses, employees working in an Agile way will retain a designated contractual work base.

### **4. Agile Working**

Agile working provides staff with more options with regards to where, when and how they undertake their roles by introducing an element of choice which will ensure that the needs of the service user are best met. Agile working allows staff to influence how they carry out their role and promotes varying levels of flexibility within the workplace. It is based on the concept that work is an activity we do, rather than a place we go to.

It must be noted however, that there is no expectation for staff to work at home and managers cannot force any member of their team to do so. It has been recognised that personal circumstances or personal preference may influence an employee’s decision with regards to home working. In such cases where an individual does not want to work at home, other elements of Agile working must still be considered, for example, working at touchdown sites and hot desking.

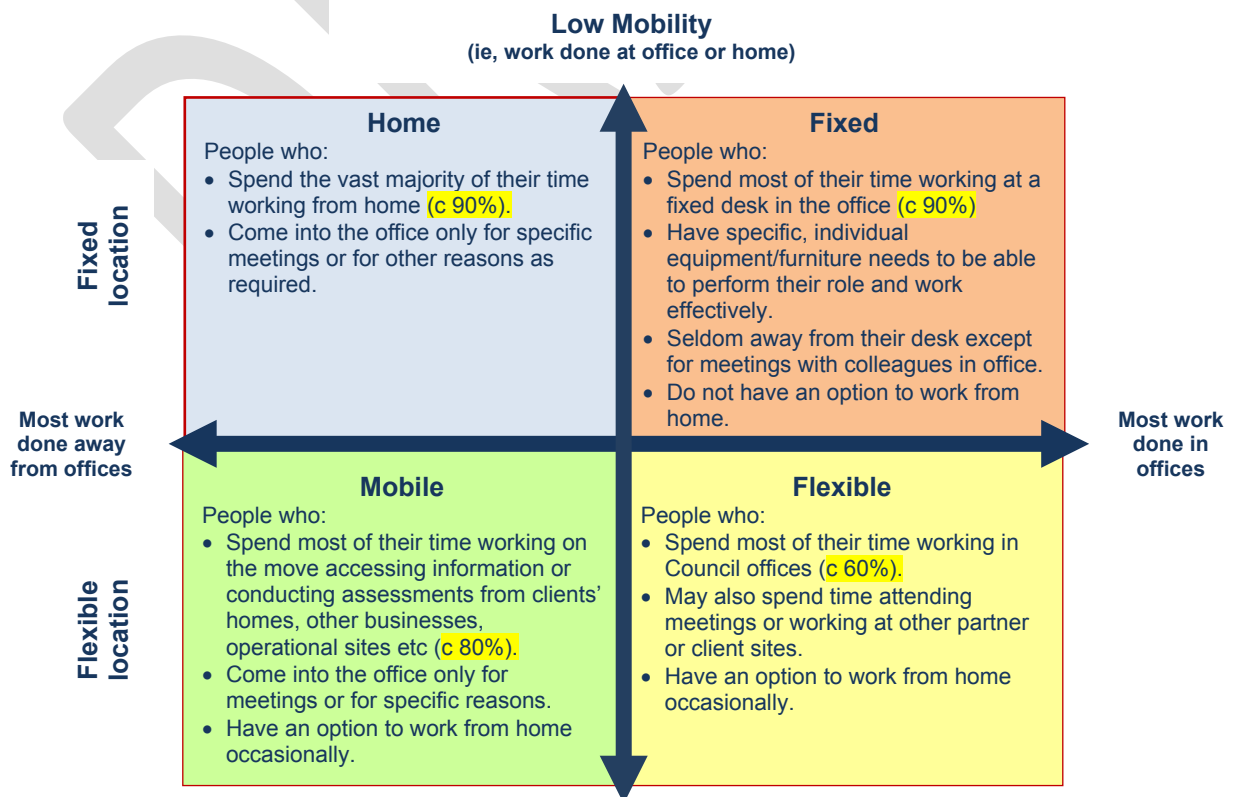
Agile Working is required when the Council offices move to the new Civic Hub in 2017. As some roles are more suited to Agile than others, Agile working will be adopted at varying levels within services.

After consultation and assessment by the relevant manager, a ‘workstyle’ is assigned to each staff member in scope and a technological solution is implemented by ICT, in order to support the transition to the new more Agile way of working. An Agile working environment not only relies on a new ICT infrastructure but also on staff engagement to ensure the successful adoption of this new way of working. In this respect, a huge culture shift must be achieved via the use of appropriate change management techniques; a key component in successfully embedding the Agile working principles across the Council.

#### 4.1 Workstyling

The matrix below defines the 4 workstyles for Council staff, as defined under the Agile Working Principles to clarify the concept of Agile Working.

It can empower employees to work where, how and when they choose; subject to business needs.



### High Mobility

(ie, work done at customer, partner, Council sites)

Those who fall in the low mobility range (ie **Fixed** or **Home**) are generally at a desk for approximately 90% of the time. They rarely attend meetings or work from alternative locations. This may be fixed in the office or fixed at home, depending on the role.

Staff who have a more mobile workstyle are usually able to work from a variety of locations. **Flexible** staff are those who spend most of their time working in an office environment although may frequently be away from a desk attending meetings, working from other Council sites or working occasionally from home. Similarly employees, who tend to spend a lot of time in client's homes will also be 'flexible'. In this respect, a high proportion of staff will be categorised as flexible and the degree of flexibility is to be determined by the member of staff and their manager.

**Mobile** staff have a designated base (as with **flexible** staff) but are generally working out in the field eg home visits, site visits etc. This cohort of staff have less of a requirement to be at a base and may choose to undertake office duties from an alternative building/touchdown site that may be closer to their current location, or from home.

The most appropriate workstyle will be recommended by the manager. An initial discussion will then be held with the employee, to ensure they fully understand the concept of workstyling, how this will affect them and most importantly, consider the best practical and operational arrangements for working in this way. Expected work outputs for the employee and the arrangements for communication, support and housekeeping rules need to be in place before the employee undertakes Agile working.

Once an employee's workstyle has been agreed, an Agile Home Working Agreement Form (Appendix A) must be completed. Clear and realistic objectives should be agreed between you and your manager to enable your performance to be managed by outcomes rather than presence. This should be reviewed on a regular basis through performance appraisals and regular 1 to 1 discussions. Employees will be expected to deliver the outcomes agreed with their manager. Methods of communication should also be agreed to ensure both parties are fully informed, using a combination of face to face conversations, emails, telephone and team meetings/briefing etc.

Although Agile workers will not necessarily work standard office hours (unless the role dictates this), it is essential to plan and agree a work programme for others (eg the manager, the rest of the team and colleagues) so they are aware of the individual's working pattern, where they are located and know when and how to contact them. The hours of work must be agreed in advance allowing employees who are using their homes as part of their Agile working arrangements, to have a right to privacy out of hours and be able to separate their working and home lives.

Agile working must not affect the provision of services and therefore managers must ensure that they have systems in place to maintain suitable office presence, as required and to monitor the level of available front line staff on duty at any one time.

Employees must note that the ability to work from home is not a substitute for childcare or similar carer responsibilities. It is the employee's responsibility to ensure adequate provision is in place, should they choose to work from home.

Should an employee request to work from home when unwell, their manager will need to consider whether this is appropriate. Each case will be assessed on its own merit with support from HR, as some illnesses may be more appropriately managed from home, resulting in a shorter recovery period.

## 5. Costs

An employee who is an Agile worker will be provided with the necessary ICT equipment and technology to work in this way. The employee should use the Council's equipment whilst Agile Working and will not be eligible to claim expenses for use of personal equipment such as home phone lines.

The Council will not be responsible for any home internet broadband costs and increased energy or heating costs whilst working at home.

The Council will not make payments for heating or lighting when working from home. This applies to all Agile workstyles, including full homeworking.

## 6. Responsibilities

### 6.1 Corporate responsibility:

- The Chief Executive (Head of Paid Service) on behalf of the Council carries overall responsibility for ensuring that the Council has the appropriate processes in place which adequately and appropriately support its employees, regardless of what working pattern or arrangement they have.
- The Human Resources team is responsible for providing advice, guidance and training on this procedure.
- The Head of Human Resources is responsible for reviewing, updating and amending this policy and procedure to reflect changes in legislation or employment practice in conjunction with the trade unions.
- Executive Directors are responsible for establishing their own arrangements to ensure:
  - Effective implementation of the policy
  - Continued service delivery; and
  - Consultation with their employees on these arrangements
- Executive Directors are responsible for delegating authority to Heads of Service/Business Managers to take action under this policy, as appropriate.

### 6.2 Management Responsibilities

Managers are responsible for:

- Ensuring flexibility, openness and constructiveness in relation to discussions and agreements about Agile working with employees within their area of responsibility, whilst remaining focused on the needs of the service.
- Making arrangements for both regular individual and team meetings, ensuring regular communication is maintained between themselves and team members, providing support for employees and implementing ways of measuring and monitoring work output that have been mutually agreed.
- Setting and monitoring defined performance measures in line with the Council's Performance Appraisals and regular 1 to 1 meetings.
- Allowing employees who are using their homes to work from to have a right to privacy out of working hours and the ability to separate their working and home lives.
- Meeting their duties in relation to health and safety by undertaking appropriate risk assessments and acting on any areas of concern for employees who they are responsible for, as outlined in section 8 of the procedure.
- Jointly agreeing with the employee their Agile working style and how this will be achieved.
- ensuring good communication with employees and agree clear communication lines and methods. This includes arrangements for employees to report sickness absence.
- undertaking a regular review of the Agile Working arrangements. If it is not working, every effort will be made to resolve any issues. In some cases it may be necessary to terminate the Agile Working arrangement. In these instances, the employee will revert back to their previous working arrangements.

### 6.3 Employee Responsibilities

Employees are responsible for:

- Complying with this procedure in a reasonable, constructive and appropriate manner.
- Jointly agreeing an Agile working style with their manager. When agreeing how this will be achieved, careful consideration should be given to all of the necessary requirements in order to determine how / if their post can adopt this style of working.
- Being flexible, open and constructive in discussing and agreeing Agile working arrangements, whilst remaining focused on the needs of service.
- Maintaining regular contact with their manager.
- Working within the agreed "housekeeping rules" (appropriate work area for working at home etc) and abiding by all the Council Policies (available on the intranet) whilst working in this way.
- Optimising meetings to minimise the amount of travel time when working off site.

- Complying with Health and Safety policy and procedures by participating in and undertaking risk assessments; carrying out any necessary actions to minimise risk; maintaining a safe working environment and taking reasonable care of their own safety, as outlined in section 8 of the procedure.
- Complying with confidentiality, data protection and internet security policies.
- Ensure that all reasonable care is taken of all Council supplied ICT equipment
- Reporting immediately once known, any loss, theft or damage to Council IT equipment or the loss of confidential information.
- Consulting with any necessary parties, such as landlords, insurance or mortgage companies, regarding home working.
- Ensuring that any personally adapted equipment (e.g. left-hand orientation or widescreen laptop) required in order to undertake their duties is available for their use wherever they are working under this arrangement.

## **7. Health and Safety**

Employees have a responsibility for their own and others health and safety while they are carrying out work activities regardless of the work location in accordance with the Council's Health and Safety Policy.

Where employees use other Council locations to work they should familiarise themselves with the local arrangements for managing health and safety. They should ensure they are aware of fire safety arrangements to ensure they are fully conversant with the actions to be taken in the event of discovering a fire or on hearing the fire alarm signal and ensure they adhere to the local signing in and out arrangements.

Due consideration to lone working arrangements should be explored fully between the line manager and employee to ensure safe working arrangements are in place.

A full completed and signed Agile (Home) Working Agreement (Appendix B) and Health and Safety Home Risk Assessment (Appendix C) will be carried out if any part of an employee's working style requires them to work from home. This will need to be carried out again if any substantial changes are made to the working environment or arrangements. Employees must fully participate in completing the necessary risk assessment paperwork and review this with their manager.

When working from home, even if it is only on an ad-hoc basis, the employee has a responsibility to ensure they have an appropriate workspace with adequate security, storage and screening from activities and noise in the rest of the home. There must also be adequate ventilation and lighting.

Employees must not carry out work meetings in their home with customers, elected members or officers from other agencies. If homeworkers need to attend site meetings direct from home they must notify their line management of their itinerary. Employees will also be asked to agree with their manager whether the risks of violence/difficult situations justifies a telephone call to

the office by the employee at the end of the working period to confirm safe completion of the visits.

Managers should seek advice regarding any specific concerns around health and safety issues as sign off for Agile working will not take place until all the Health and Safety requirements have been appropriately addressed.

## **8. Data Protection, Security and Confidentiality**

The Council provides employees with access to the personal and confidential information they need to do their job. This information must not be disclosed to others who are not authorised to see it.

The Council's Information Security Policies apply at all times regardless of working site.

When working in a mobile manner, the employee is responsible for the security of equipment, files and any other information in their possession, including the transportation of such items whenever outside of the Council office environment. It is particularly important to ensure that non-authorised personnel (in the home environment or whilst working off site) cannot gain access to confidential or personal information.

All efforts must be made to secure Council equipment when being used at home. Wherever possible, this equipment should be locked away. At a minimum, all equipment should be stored out of sight of windows and doors to deter equipment being stolen.

Any paper based documentation that contains personal or confidential information must be disposed of securely. Employees are encouraged to fully utilise the document management system, to reduce paper file storage, printing costs and increase security.

No work related emails or sensitive data should be sent to the employee's home email addresses. No work related files should be stored on an employee's personal computer.

Any loss of equipment or information is reported immediately to the employee's line manager.

Managers must ensure their staff:

- Know their responsibilities under the Data Protection Act and the Council's Security policies.
- Never leave a computer with personal confidential information on screen.
- Never leave a computer 'logged on' when unattended.
- For staff who work from home occasionally, home security must be at the same level as at work.

## **9. Allocation of Equipment and Other Financial Support**

The manager, in consultation with the employee will determine their workstyle/activity. ICT will be responsible for determining and providing the equipment and technical requirements for the employee undertaking an Agile working arrangement.



The initial technology and equipment to assist with the implementation of Agile working will be provided via the Agile Working Project Budget. Post implementation of the Hub, additional equipment should be funded through normal channels.

Personally adapted equipment will be provided to an individual should a Workstation Assessment deem this necessary; however, this equipment will be provided at the place where they predominantly work and not across multiple sites. Therefore the individual will be responsible for ensuring that this equipment is available for their use wherever they work.

## **10. Insurance, Mortgage and Tenancy Arrangements**

Computers and other items of equipment provided by the Council as part of the Agile working arrangement will be covered by the Council's insurance policy. In instances of loss of this nature, the Council's 'Replacement Equipment Issued to Staff' Policy will apply.

Home workers are required to contact their own insurance company to inform them that they will be working at home. This does not usually result in an increase in premium and it is unlikely that working from home will affect cover. The Council may reimburse any increase in premium should this occur. An example letter for use can be found at Appendix D – Home Based Workers' Letter to Insurers.

Liability insurance arranged by the Council will operate once the risk assessments are completed satisfactorily; Risk control measures identified as a result of risk assessment must be addressed prior to the Agile working arrangement commencing.

Employees working at or from home are covered by the Council's Employer's Liability Policy. Any accidents must be reported immediately in accordance with the Council's health and safety guidelines.

Although covered by the Council's Employer's Liability Policy, employees working at or from home are advised to ensure their home contents policy has public liability cover for at least £1 million. This is a standard clause in most home insurance policies. If an employee does not have such cover then they must notify their manager who should seek appropriate advice from the Insurance and Risk Service.

Before commencing home working, employees should advise mortgagees or landlords that they intend to work at home. The Council will not be responsible for any additional costs as a result. An example letter for use can be found in Appendix E – Home Based Workers' Letter to Mortgage Lender, Landlord, etc.

Using a room or part of a room to work in would not normally require planning permission.

## **11. Council Tax and Business Rates**

It is extremely unlikely that there will be any change to an employee's Council Tax or any liability for business rates. Business rates could only be levied where a homeworker has an area of their home dedicated exclusively to their work (eg, a study with PC, filing cabinet

etc). Where the business use of a part of the house is subsidiary to the domestic usage (eg, a desk in the corner of a living room) then rates should not be levied. Should an employee have any concerns, they should address their queries to their local council.

## **12. Review and Revision Arrangements**

This policy will be reviewed on a regular basis by the Agile Working Project Team throughout the project lifecycle. Once formal project closure has taken place, the policy will be reviewed in line with HR processes.

Employees should familiarise themselves with the following Council Policies:

Flexible Working Hours Policy  
Information Security Policies  
Health and Safety at Work  
Lone Working Policy  
Removable Media Policy  
Replacement Equipment Policy  
Software Policy  
Computer, Telephone and Password Policy

**AGILE WORKING FORM**

**Employee Name:** .....

**Job Title:** .....

**Service Area:** .....

*The Agile Working 'workstyles' must be discussed with the employee and the manager and, where necessary, work colleagues.*

Current work location: ..... Contact No: .....

Current number of working hours per week/working pattern .....

Which work style is being adopted (*Section 4 of the Agile Working policy refers*)?  
.....  
.....

Requested number of hours the employee can work from home worked per week .....

Please state how it is envisaged that the Workstyle will work.  
.....  
.....  
.....

What impact will this have on the service and work colleagues?  
.....  
.....  
.....

How do you think the service level can be maintained?  
.....  
.....  
.....

**Employee's Signature** ..... **Date** .....

Classification: NULBC UNCLASSIFIED

Manager's Signature ..... Date .....

**AGILE (HOME) WORKING AGREEMENT**

**The agreement is to be completed by the employee.**

Please tick the boxes to confirm you will or have carried out the necessary actions. Please send a copy of this completed agreement to Human Resources who will then attach the completed 'Agile (Home) Working Assessment of Risks' checklist to confirm a risk assessment has been undertaken. The arrangements that have been agreed will be reviewed and a decision taken on whether the arrangements will continue. Please initial each of the boxes to signify that you agree to these terms.

I agree to provide an appropriate workspace in my home for the furnishings and equipment to enable me to work effectively at home.

I will inform my manager of changes to my home or personal circumstances, which could affect my health and safety

I agree to provide reasonable access to my home by an employee of the Council, or their representative in order for them to undertake any Health & Safety assessments, provide maintenance/repair to council equipment, or the undertaking of relevant audit activities. All access requirements will be discussed prior to the visit, and appropriate notice given.

I have informed my landlord / mortgage / Insurance company in writing of my intention to work at home (please attach a copy of the letter – Appendices D and E apply).

I am aware of the security measures required and the sensitive nature of the data I am working with. I agree at all times to protect access, maintain and store the data securely and confidentially in line with the Data Protection Acts and Council requirements. My computer will not be used by anyone other than myself.

I am aware and understand my requirements to notify my manager when I am unable to work or absent from work due to sickness or any other reason. I will also continue to use Mitrefinch to clock in and out whilst Agile working at home or otherwise in line with the procedure.

In the event of home working ceasing I will co-operate with the Council in arranging a time for any equipment to be collected or I will return the equipment to the Council within 5 working days of home working ceasing.

I am aware and understand the requirement to report any work-related accidents whilst working at home or other locations and of the actions I am required to take in an emergency.

Classification: NULBC UNCLASSIFIED

I agree to attend the office (location to be confirmed as appropriate) for regular communications/meetings as defined by my manager.

I am aware that I must continue to comply with all Council policies, practices and procedures.

I'm aware that regular performance reviews will be conducted

I agree to work in accordance with the times agreed with my Manager as follows   
\_\_\_\_\_ ~~and to supply accurate records of my hours worked.~~

I agree to provide the Council with a contact phone number that can be used for work purposes during work hours or arrange for my calls to be directly forwarded.

**Line Manager Discussions** *(within this section the manager should consider and document the full business case including costs/benefits/savings)*

.....  
.....  
.....

Equipment likely to be required:

.....  
.....  
.....

Employee Name and Signature: .....

Approved by: Line Manager Name and Signature: .....

Yes/No ..... Date .....

If no, please briefly state reasons: .....

.....  
.....

**Please forward a copy of this document to Human Resources.**

**DRAFT**

Classification: NULBC UNCLASSIFIED

**AGILE (HOME) WORKING ASSESSMENT OF RISKS**

	Yes	No
<b>1. Fire</b>		
If working from home is your means of leaving free from obstructions? Do you have a smoke alarm or fire extinguisher?		
<b>2. Accidents / First Aid</b>		
Do you have first aid equipment available? (e.g. plasters) Who will any accidents or sickness be reported to:		
<b>3. Electricity</b>		
Are all electrical outlets (sockets) in a sound condition? Has any equipment you have been supplied with been PAT tested Who can you contact for repairs and maintenance for work equipment?		
<b>4. Manual handling</b>		
Will the task include lifting or carrying, especially up the stairs? Have you received training for lifting safely?		
<b>5. Display Screen</b>		
Are screen characters well-defined and of adequate size and spacing?		
Are screen images flicker-free / stable?		
Can screen brightness and contrast be adjusted?		
Is the screen free from glare and reflection?		
Is the screen positioned correctly to enable comfortable use?		
<b>6. The Keyboard</b>		
Can the keyboard be tilted?		
Is the keyboard separate from the terminal?		
Does the keyboard have a non-reflective surface?		
Are the keyboard characters clearly defined?		
<b>7. The Work Desk</b>		
Is the work desk large enough for all the equipment?		
Is there sufficient space in front of the keyboard to allow you to rest hands/wrists?		
<b>8. The Pointing Device</b>		
Has a pointing device (mouse) been provided which is a suitable type for the you and the work involved?		
Is the device suitably positioned so you can adopt a safe, comfortable working posture?		
Are regular breaks taken from using the device?		
Is there a suitable surface on which to use the device?		
Are arrangements in place for cleaning and maintenance of the device?		

Classification: NULBC UNCLASSIFIED

	Yes	No
<b>9. Work Chair</b>		
Is the work chair stable?		
Can the chair height be adjusted?		
Can both feet be placed on the floor when in comfortable working position?		
<b>10. The Environment</b>		
Is this room of a size that is comfortable to work in?		
Is there sufficient space for comfortable handling of documents and telephone etc.?		
Is the lighting adequate at the workstation?		
Is the general lighting adequate to prevent excess lighting contrast when you look away from the screen?		
Is the temperature at the workstation comfortable?		
Are heat levels emitted by the equipment under control?		
Are noise levels comfortable?		
Is ventilation of the area adequate and comfortable?		
Is the relative humidity comfortable?		
<b>11. Health</b>		
Are you free of eyesight problems?		
Have you requested or been offered an eyesight test?		
Where appropriate, do you wear eye correction provided as a result of an official eyesight test?		
Are you free of aches, pains, or sensory loss (tingling or pins and needles) in the neck, shoulder or upper limbs?		
Are you free of restricted joint movement, impaired finger movements or grip or other disability?		
Are you free of fatigue or stress?		
<b>12. Training, Information and Work Planning</b>		
Have you received training in the use of DSE and software system(s)?		
Have you received training or information in identifying and correcting workstation hazards, including equipment adjustments?		
Is there a written record of the training?		
Has the work been planned to include breaks and changes in activity to avoid excessive exposure to DSE work?		
Can you take regular breaks from DSE work?		
<b>13. Contact and Support</b>		
<b><u>Manager Name:</u></b>		
<b><u>Safety Advisor Name:</u></b> Claire Dodd – 01782 742262 Kate Bartels – 01782 742518		
<b><u>In order for you to remain in contact with the office is it a requirement that you provide a contact phone number that can be used by management during normal at work hours.</u></b>		



<p><b><u>Please list the contact phone number here:</u></b></p> <p>Any Other comments:</p>		
--	--	--

Signature of Employee: ..... Date: .....

Signature of Manager: ..... Date: .....

DRAFT

<b>Actions Required</b>	
(if none please state none)	Completed by & date
<b>Fire</b>	
<b>Accidents / First Aid</b>	
<b>Electricity</b>	
<b>Manual Handling</b>	
<b>The Display Screen</b>	
<b>The Keyboard</b>	
<b>The Work Desk</b>	
<b>The Pointing Device</b>	
<b>The Work Chair</b>	
<b>The Environment</b>	
<b>Health</b>	
<b>Training, Information &amp; Work Planning</b>	
<b>Review by DSE Assessor / Manager / Health and Safety Officer</b>	
<b>Name</b>	
<b>Signature</b>	
<b>Date of Review</b>	

**Agile (Home) Worker's Letter to Insurer**

Address Line 1  
Address Line 2  
Address Line 3  
Address Line 4

Date

Dear

**Insurance Policy No. (where appropriate)**

I have agreed with my employer, Newcastle-under-Lyme Borough Council, that I will be working at home under the council's Agile Working Policy on an ad hoc/partial/full time basis (delete as appropriate).

Newcastle-under-Lyme Borough Council will provide me with the following items of office furniture and equipment to enable me to work at home.

(list all equipment)

I require written confirmation of receipt of this letter and acceptance of these terms. I would be grateful for an early response. (or an alternative paragraph)

I would appreciate your confirmation that this will not affect in any way the validity or cost of my household insurance cover which is placed with you (policy number as above) and that my policy includes public liability cover for at least £1m (include in letter to home contents insurer only).

Yours faithfully

**Agile (Home) Working Letter to Mortgage Lender, Landlord etc**

Address Line 1  
Address Line 2  
Address Line 3  
Address Line 4

Date

Dear

**Policy No. (where appropriate)**

I have agreed with my employer, Newcastle-under-Lyme Borough Council, that I will be working at home on an ad hoc/occasional/full time basis (delete as appropriate) under the council's Agile Working Policy.

Newcastle-under-Lyme Borough Council provide me with the following items of office furniture and equipment to enable me to work at home.

(list all equipment)

The equipment remains the property of Newcastle-under-Lyme Borough Council and is insured by them in respect of property damage and third party liability risks.

The area set aside in my home will not be used exclusively for business purposes and there will be no structural alterations to the property. There will not be a marked rise in traffic or in people visiting the property and there will be no disturbance to neighbours as a result of my working from home.

I require written confirmation of receipt of this letter and acceptance of these terms. I would be grateful for an early response. (Or an alternative paragraph)

Yours faithfully

## **Housekeeping Rules**

### **Desk Usage**

#### Hot desks

The Council has agreed that in respect of Agile working, a hot desk refers to a designated work space for any employee to use at any time. Where applicable, designated banks of hot desks should be used by visiting staff, or alternatively individuals should approach a team member to ask if they may work from a free desk within that team zone.

Team 'zones' refer to a designated area where employees work when at their work location.

Employees must remember that they can work from any Council location and managers must ensure employees feel comfortable when 'touching down' at temporary desks and zones.

#### Clear desk principles -

As all desks may be used by any employee of the Council, adopting clear desk principles will assist with the changes in working practice; in that employees will feel more comfortable working from a desk that has not been personalised. There is an expectation therefore, that when an individual vacates a desk to enable usage by another member of staff, it will be left clear, with no materials left either on the desk or beneath the desk, other than the standard IT kit provided by the Council. Laptops, if not taken home, should be stored in the personal locker provided. This should be observed when attending meetings to enable the best use of all workstations, but is not required whilst taking a lunch break. Further details can be found under section 6.4 of the Computer, Telephone and Password Policy.

#### Eating/drinking at desks

When working at a desk area you will not be allowed to eat, this is to encourage employees to take regular breaks throughout the day. It encourages collaborations and knowledge sharing between colleagues and provides a more hygienic work area. There will be designated kitchen rest areas on each of the floors for staff to use. Employees will be able to drink at a desk. Ensure the desk areas are left clean and tidy once you have vacated the area.

There will be facilities available at the Hub to enable confidential discussions to take place. Confidential discussions should not be carried out in communal areas.

#### Designated Base -

All employees will continue to have a designated base for travel claims purposes, although they may choose to work from an alternative location to allow for improved efficiency and a more effective service.

#### The Agile working desk ratio -

The Council will adopt the Agile working desk ratio principles to assist with the successful implementation of Agile working and to enable potential estate rationalisation, going forward.

Fixed worker – desk ratio is 1:1 – each fixed (office) worker has a desk provision although during periods of absence, this desk may be used by other staff.

Flexible worker – desk ratio no more than 6:10 – for every 10 members of staff the number of desks will not exceed 6. This will exclude staff working in public areas such as front reception and customer service desks where managers need to ensure there is no detriment to front line service provision. Mobile worker – desk ratio no more than 4:10 – for every 10 members of staff the number of desks will not exceed 4

There are no desk ratios for Home Workers as the expectation is for them to be working at home and spending minimal time in a Council building; perhaps only returning to base for team meetings or supervision.

DRAFT

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

**This page is intentionally left blank**



By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

**Document is Restricted**

**This page is intentionally left blank**

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

**Document is Restricted**

**This page is intentionally left blank**

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

**Document is Restricted**

**This page is intentionally left blank**

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

**Document is Restricted**

**This page is intentionally left blank**



By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

**Document is Restricted**

**This page is intentionally left blank**