

Personnel Committee – 23 July 2019

Sickness Absence Policy

1. Summary

- 1.1 To request Personnel Committee to approve the Sickness Absence Policy (Appendix 1).

2. Recommendations

- 2.1 Personnel Committee is recommended to approve the Sickness Absence Policy.

3. Background Information

- 3.1 The current Attendance Procedure was approved in September 2018. However, following a CMT decision (9th May 2019) it was agreed that the council should include within its current Attendance Procedure discretion to extend occupational sick pay (OSP) in exceptional circumstances, such as terminal illness.
- 3.2 The introduction of Walsall Proud Programme and the council's behavioural framework has identified a requirement to align corporate HR policies and procedures to the council's vision and values to ensure a consistent approach and reinforce the culture and behaviours across the council. The procedure has been updated, reformatted and renamed Sickness Absence Policy to make it simple and clear in terms of its purpose and includes the extension of OSP (Appendix 1 section 3.9).
- 3.3 The policy has been made concise with easily identifiable principles and procedure, which has been streamlined, with some of the more detailed guidance being moved into the supporting guidance document.
- 3.4 Aside from the above points the policy and procedure remain fundamentally unchanged, with the exception of the below points of clarification;
- Strengthening the wording that suspected misconduct will be dealt with under the disciplinary policy (Appendix 1 section 3.7);
 - Clarification on the circumstances where the council reserves the right to withhold or suspend occupational sick pay (Appendix 1 section 3.10);
 - Confirmation that managers must record sickness absence in the HR information system (HRIS) within 24 hours of notification, as this can affect an employee's sick pay (Appendix 1 section 5.1.5);
 - Clarification of the return to work process (Appendix 1 section 5.3);
 - Insertion of new paragraph that outlines manager's discretion to recommence the long term sickness management process at the same stage an employee was previously at when returning to work in circumstances when they are unable to sustain the return to work for a minimum period of 6 months.

- 3.5 There are no direct contributions to the achievement of Corporate Plan priorities by adopting the proposals outlined in this report. Indirectly, there is an intangible impact on staff engagement (Corporate Plan reference 12 – a resilient council, measure 23).

4. Financial Implications

- 4.1 The financial implications of implementing the discretion benefit of extending OSP are difficult to assess and quantify as discretionary costs will be incurred sporadically, and will be unplanned. Any costs associated with extending OSP will be borne by the service area in which the employee works.

5. Legal Considerations

- 5.1 HR policies help mitigate against the employment law risks faced by the council. There are minimal risks to the adoption of the policy other than challenge to a potentially discretionary decision. Such a challenge would be fairly heard as a grievance under the council's grievance policy.
- 5.2 A potential legal risk arising from this policy would be a challenge through the tribunal in respect of non-payment of a discretionary benefit under disability discrimination. Such a claim would be unlikely to succeed providing that the policy had been followed, decisions taken were fair and proportionate, appropriate advice sought and the guidance in respect of discretionary payments had been considered and acted upon.

6. Risk Management

- 6.1 An equality impact assessment is attached [appendix 2].

7. People

- 7.1 The policy is applicable to all Council employees, including Chief Officers, but excluding schools employees where the Governing Body has delegated authority for whom separate arrangements apply. The policy does not apply to casual or agency workers.
- 7.2 There is no direct impact on our citizens as a result of this procedure. The procedure is however, part of the employment framework that helps to ensure that residents of Walsall get the best possible services from council employees.

8. Consultation

- 8.1 The policy has been consulted upon with senior managers and trade unions across the Council between 20 June 2019 and 5 July 2019.
- 8.2 Feedback from consultation commended the policy for clearly aligning to the Proud Programme and also resulted in some minor wording amendments to aid clarification and understanding.

- 8.3 The trade unions had no specific concerns over the amendments that were made, however raised a small number of comments requesting that more information and detail be re-inserted in the policy, specifically relating to legislative regulations and further detail on levels of OSP. In response to the trade unions, it was reiterated that the inclusion of such detail was opposed to the policy design principles of stream lining and simplifying and instead the information they have requested be re-inserted would be clearly covered in detail in the sickness absence supporting guidance document. Trade Union's felt strongly that the BFS calculation formula remain in the policy and so this was re-inserted after originally being removed. Trade unions also felt there was a general lack of recognition of what stages they would be involved in the process, in response to this the trade unions were directed to section 3.6 (Appendix 1) that outlines trade union involvement at any formal sickness absence review meetings. In order to ensure streamlined policies it was explained that this principle applies throughout the document at all formal meetings and therefore did not need repeating on every relevant page.

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