

Employment Committee

Meeting to be held on Monday, 13 September 2021

Electoral Division affected: N/A;

Revised Attendance and Working Flexibly Policies and Procedures

(Appendices A – D refer)

Contact for further information:

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Executive Summary

As part of the on-going Human Resources policy review programme, the Management of Sickness Absence and Flexible Working Policies and Procedures have been reviewed and revised. The revised draft policies and procedures have also been renamed to Attendance Policy and Working Flexibly Policy respectively.

Recommendation

The committee is asked to approve the revised Attendance Policy and Procedure, as set out at Appendix C, and the revised Working Flexibly Policy and Procedure, as set out at Appendix D.

Background and Advice

In July 2020, a report was presented to the Corporate Management Team to provide an update on the Human Resources policy review programme, its principles, and priorities. A clear set of principles were established, to ensure that our Human Resources policies going forward are:

- Modernised – that they align to the values and priorities of the council.
- Straightforward – in terms of the tone and language used, and that clear steps and processes are set out within them.
- Take account of best practice – that through our networks and research that they are benchmarked against those of other high performing organisations.
- Take account of fairness and accountability – that they set expectations to both employees and managers.
- Legally compliant – that they comply with current employment regulations, along with ACAS (Advisory, Conciliation and Arbitration Service) Codes of Practice and national conditions of service, where applicable.

- Embedded and impactful – that our policies and procedures are understood by all, applied where appropriate, and that managers are equipped to make judgements and decisions. Successful delivery of this will also support the development of the council's performance management culture.

The proposed Attendance and Working Flexibly Policies and Procedures have been reviewed and revised and are submitted to Employment Committee for approval.

Revised Attendance Policy and Procedure

As stated in the policy statement, the council recognises the positive impact that a healthy and motivated workforce has in being able to successfully deliver high quality services. The council is committed to promoting health and wellbeing and supporting employees achieve good attendance and be productive at work. As such, a range of resources and services are available to our employees.

The council does recognise that employees may be prevented from attending work through illness on occasion, absence of any length can have an impact on the team and the service they work within. As such, it is important we have appropriate procedures in place to enable absences to be managed effectively across the council.

The proposed Attendance Policy is underpinned by the following principles:

- Strike a reasonable balance between the pursuit of our business needs and the genuine needs of employees to be absent from work when they are unwell.
- Highlight that each instance of absence is unique and may require a different course of action based on the individual circumstances of the case, while still promoting a fair and reasonable approach to absence management across the council.
- Remove prescriptive procedures and timescales to enable managers to make appropriate decisions at the right time for the individual and the service they work within.
- Empower managers to make informed decisions based on the individual circumstances of the case by encouraging ongoing, meaningful discussions between managers and employees, and providing a toolkit of options for managing absence.

The details of the specific key proposed changes are set out at Appendix A.

Consultations

Through the Joint Negotiating and Consultative Forum, the recognised trade unions have been consulted on the proposed Attendance Policy and Procedure.

Consultation has been very positive overall, and the trade unions support the principle of moving away from a prescriptive approach to all absences and focus on the individual circumstances to enable the best chance of an effective return to work. They also welcome the overall emphasis on health and wellbeing.

During consultation the trade unions raised three issues. First, they asked if the council would sign up to the Trade Union Congress' Dying to Work Charter, which focuses on handling with dignity terminally ill employees and taking steps not to end their employment. Second, they asked for the policy to explicitly state extensions to sick pay would be considered, and third, they asked that an Attendance Hearing would not be arranged whilst awaiting the outcome of an independent medical assessment of whether ill-health retirement would be recommended or not, regardless of how long it would take for a recommendation to be made. Overall, the trade unions have noted the proposed policy changes.

In relation to Trade Union Congress' Charter, the council already has arrangements in place that are more flexible than the Charter as they focus on the employee's wishes about whether they want to continue in employment or not.

In relation to sick pay, the council applies the National Joint Council (Green Book) Sick Pay Scheme, as do most councils, and whilst it does not prevent councils from considering extensions to sick pay, the scheme is silent on the circumstances in which this would be applied. Requests of this nature are unique, and currently most employees do not request an extension of their sick pay. Therefore, to make an explicit statement in the policy would potentially focus it more on extending sick pay beyond normal entitlement rather than earlier intervention to support improving the medical condition and hopefully recovery.

In relation to ill-health retirements, it is wholly acknowledged that the issues around ill-health retirement should be handled sensitively. Should ill-health retirement be recommended, it will release pension entitlements to employees in the Local Government Pension Scheme and the effective date of the entitlements is always from when the request for independent medical assessment is registered not when the recommendation is made after assessment. Although that is the case, at times, the independent medical assessment can be exceptionally prolonged because further medical information is requested through GPs, consultants and specialists and it can take many months with no timescale in sight to receive the outcome of the assessment. The revised policy therefore highlights that in these circumstances, given the limbo position for employees and the continued impact the absence has on the service, there may be a need to convene an attendance hearing to consider the continued absence, its impact on the employee and the service, and determine what action to take.

Revised Working Flexibly Policies and Procedures

The revised policy aligns to principles of our new ways of working including employees working from home or other locations, working part-time and varied hours, and the council recognises the benefits of agile working practices. There are clear benefits to both the council and employees in working flexibly whilst at the

same time delivering high quality services to Lancashire residents. It also allows us to look at alternatives to reduce travel time and increase efficiency.

The revised policy acknowledges that the nature of some roles within the council cannot be completely flexible due to service requirements but encourages services to apply flexible thinking to flexible working requests and work with employees to identify the best possible outcome. It enables consideration of how flexible working options can support service delivery and improve recruitment and retention of key experience and skills.

The details of the specific key proposed changes are set out at Appendix B.

Consultations

Through the Joint Negotiating and Consultative Forum, the recognised trade unions have been consulted on the proposed Working Flexibly Policy and Procedure. Consultation has been very positive overall, and they support the principle of flexible working opportunities for all together with the enhanced policy provisions to facilitate those considerations.

The trade unions asked that services did apply the principles of the policy and give real choices for employees to have access to working flexibly. Unison could not support the replacement of the flexi-time scheme with applying Time off in Lieu (TOIL). It was explained that working flexibly should be a universal offer to all employees, that flexi-time was (before the pandemic) only accessed by 10% of the council's workforce and the proposed policy offers far more flexibility than ever before. A commitment to review the policy six months after its launch was made and the trade unions welcomed this opportunity.

Implications

This item has the following implications, as indicated:

Risk management

The council is legally required to ensure that its Human Resources policies and procedures comply with current employment legislation and the proposed Attendance and Working Flexibly policies do. There is also a commitment to keep the Human Resources policies under review to ensure they continue to meet business requirements, council priorities and changes in legislation.

Financial

Overall, there are no significant financial implications to the revised policies and procedures. The revised Attendance Policy and Procedure may result in fewer referrals to the council's occupational health provider due to the less prescriptive referral process and as such may reduce referral costs.

Local Government (Access to Information) Act 1985
List of Background Papers

Paper	Date	Contact/Tel
N/A		

Reason for inclusion in Part II, if appropriate
N/A