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Paul Hodson **Town Clerk and Chief Executive**

14 June 2024

Dear Councillor

A meeting of the Personnel Sub-Committee will be held on **Thursday 20 June at 7.00 PM** when the following business will be transacted:

AGENDA

1. To elect a Chair and Vice-Chair for the year 2024/25
2. Apologies for absence
3. Specific Declarations of Interest
4. To approve as an accurate record the Minutes of the Meeting of the Personnel Sub-Committee held on 23 April 2024 (copies previously circulated).
5. HR Policy Updates – Carers Leave, Paternity Leave & Flexible Working (see page 3)
6. RECOMMENDED In terms of Schedule 12A, Local Government Act 1972, the following items will be likely to disclose exempt information relating to establishment and contractual matters and it is, therefore, RECOMMENDED that pursuant to the provisions of the Public Bodies (Admissions to Meetings) Act 1960 the public and press be excluded.
7. HR Summary - information report (see page 13)
8. Sick Leave Annual Overview & Review – information report (see page 16)
9. Pay Review Report (to follow)

Yours faithfully

Paul Hodson
Town Clerk and Chief Executive

To: Members of Personnel Sub-Committee

Councillors Liz Jones, Louise O’Riordan, Peter Hollick, John Gurney, Matthew Brennan, Michelle Henderson, Nicholas Kotarski and other Members of the Council for information.

DUNSTABLE TOWN COUNCIL

PERSONNEL SUB-COMMITTEE

20 JUNE 2024

POLICY UPDATES

Purpose of Report: For Members to recommend the approval of the updated Flexible Working and Paternity Leave policies and the adoption of the Carer's Leave policy to the Finance & General Purposes Committee

1 RECOMMENDATIONS

- 1.1 That the amended Flexible Working and Paternity Leave policies be recommended for approval by the Finance and General Purposes Committee.
- 1.2 That Members recommend to the Finance and General Purposes Committee the adoption of the Carer's Leave policy.

2 BACKGROUND

- 2.1 New statutory legislation came into effect on 6 April 2024. This legislation included amendments to Flexible Working and Paternity Leave and a new Carer's Leave policy.
- 2.2 Dunstable Town Council have previously adopted Flexible Working and Paternity Leave policies, so these have only been updated to include the new legislation.

3 POLICY DETAILS

3.1 Flexible Leave

The legislative changes to this policy are:

- Employees can now make a flexible working request from day 1 of their employment
- Employees can make up to 2 requests per 12-month period
- Employers must make a decision within 2 months of the request being made

The full draft policy can be found at Appendix 1.

3.2 Paternity Leave

The legislative changes to this policy are:

- Employees can take up to 2-weeks paternity leave in either 1 block or 2 separate 1-week blocks
- Paternity leave can be taken anytime within 52 weeks of the baby's birth

The full draft policy can be found at Appendix 2.

3.3 Carer's Leave

Any employee can take unpaid carer's leave to give or arrange care for a dependant who needs long-term care. The maximum they can take is 1 week per 12-month period and part-time employees' entitlement would be calculated on a pro-rata basis.

The full draft policy can be found at Appendix 3.

4 FINANCIAL IMPLICATIONS

4.1 None

5 POLICY AND CORPORATE PLAN IMPLICATIONS

5.1 The recommendation accords with the Council's objective of 'continuing to improve the organisational management and efficiency of the Council'.

6 HEALTH AND SAFETY IMPLICATIONS

6.1 None

7 HUMAN RESOURCE IMPLICATIONS

7.1 None

8 LEGAL IMPLICATIONS

8.1 Carer's Leave Act 2023

8.2 Employment Rights Act 1996

8.3 Equality Act 2010

9 EQUALITIES & DIVERSITY

9.1 Approving these policies would enable the Council to further fulfil its duties under the Equality Act 2010.

10 APPENDICES

10.1 Appendix 1: Draft Flexible Working Policy

10.2 Appendix 2: Draft Paternity Leave Policy

10.3 Appendix 3: Draft Carer's Leave Policy

11 AUTHOR

Kelley Hallam, HR & Payroll Manager

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DUNSTABLE TOWN COUNCIL

Flexible Working

INTRODUCTION

By law (Employment Rights Act 1996), employees have a statutory (legal) right to request flexible working.

The Council recognises that a better work-life balance can improve employee motivation, performance and productivity, and reduce stress. Therefore, Dunstable Town Council wants to support its employees achieve a better balance between work and their other priorities, such as caring responsibilities, leisure activities, further learning and other interests. The organisation is committed to agreeing any flexible working arrangements, provided that the needs and objectives of both the organisation and the employee can be met.

It is Dunstable Town Council's policy to encourage open discussion with employees. An employee who thinks they may benefit from flexible working and would like further advice on this policy is encouraged to contact the HR & Payroll Manager or their line manager to arrange an informal discussion to talk about the options.

This policy and procedure has been prepared for all eligible Dunstable Town Council staff and complements the Council's existing flexible working policies.

WHO THE POLICY APPLIES TO

The statutory right to request flexible working applies to anyone legally classed as an employee.

The right applies from the first day of employment.

Parents and carers

If an employee has children or caring responsibilities, they must follow the same request procedure as other employees.

Employers should handle all requests in the same way, including when someone:

- has children
- cares for someone
- is returning from maternity, paternity or adoption leave

SUBMITTING A FLEXIBLE WORKING REQUEST

Requests for a change in working arrangements can be made by any employee. Two requests per employee may be made in any 12-month period (which includes requests

that have been withdrawn). However, only one live request for flexible working may be lodged with the Council at any one time.

The request must:

- be made in writing and state this is a flexible working request;
- be dated;
- set out the change requested, including when you would like the change to come into effect; and
- set out if and when you have made a previous request for flexible working to the Council.

When a request is received, you will be invited to a meeting to discuss the potential change. The meeting will normally be conducted by your line manager.

You are entitled to be accompanied by a fellow employee to assist in making any representations that may be appropriate.

Your application must be made in writing to your Head of Service or the Town Clerk and Chief Executive (and in the case of the Town Clerk and Chief Executive making a request, the Chairman of the Finance and General Purposes Committee) specifying that it is a statutory request.

THE DECISION

The application may be refused on one or more of the following grounds, these being that the proposed changes will result in:

- a burden of additional cost;
- a detrimental effect on ability to meet customer demand;
- an inability to re-organise work among existing staff;
- an inability to recruit additional staff;
- a detrimental effect on quality;
- a detrimental effect on performance;
- an insufficiency of work during the periods you propose to work;
- a planned structural change; and
- any other ground allowed by regulations.

Before refusing a request, the Council will consult with you to discuss the application further, which may include exploring any alternatives that may be available. If no agreement is reached and the request is rejected, this will be confirmed in writing and your terms and conditions will remain unchanged, subject to your right to appeal the decision. The process (including any appeal) will be concluded within 2 months of the request being made, unless a longer period is agreed.

Any meetings should take place in a spirit of cooperation with both sides seeking to reach agreement on an appropriate way forward.

Requests will be considered in the order in which they are received, each being considered on its merits taking into consideration the business case, possible impact and the current business context.

Any change in working arrangements which results from this process will be confirmed to you in writing.

This policy will not prevent managers agreeing to ad hoc arrangements from time to time. However, any such arrangement will not amount to a variation in your terms and conditions of employment unless specifically agreed to the contrary and confirmed in writing. The Council may terminate any such ad hoc agreement at any time and require you to revert to your agreed working arrangements.

As there will inevitably be a limit to the amount of flexibility the Council can tolerate without detriment to its interests, employees must accept that the fact that a particular working arrangement has been granted to one employee does not oblige the Council to grant it to another.

APPEAL PROCEDURE

If your request is refused, you may appeal against the decision – your appeal must be made in writing to the Town Clerk and Chief Executive who will arrange an appeal meeting.

You are entitled to be accompanied by a trade union representative or work colleague at any appeal meeting, and if the initial appeal cannot be resolved at the appeal meeting, then a further appeal can be made to the Council's Appeals and Appointments Committee using the same procedure as that contained in the appeal process for grievances and dismissals. The decision of the Appeals and Appointments Committee will be final.

WHAT IS FLEXIBLE WORKING?

Flexible working is any type of working arrangement that gives some degree of flexibility on how long, where and when an employee works.

The following flexible working options are the typical arrangements that employees will request but the organisation recognises that there may be alternatives or a combination of options which are suitable to both the organisation and the employee:

- Annualised hours
- Compressed hours
- Flexitime
- Homeworking
- Job-sharing
- Overtime
- Part-time working
- Term-time working

TYPES OF FLEXIBLE WORKING

- **Annualised hours** where an employee's contractual working hours are calculated as the total number of hours to be worked over the year, allowing flexible working patterns to be worked throughout the year.

Usually the hours will be divided into rostered hours, which are set, and unallocated hours, when an employee can be called into work as demand dictates (and to cover unplanned work and employee absence). Payment will be in 12 equal instalments (although arrangements may be permitted where the pay for the work actually done is in the period to which the payment relates).

- **Compressed hours** is where an employee works their usual full time hours in fewer days by working longer blocks meaning that there is no reduction in their pay. For example, a 5-day week is compressed into four days, or a 10-day fortnight into 9 days.
- **Flexi-time** allows an employee to choose, within certain limits, when to begin and end work. *Please refer to Policy 1.1 of the Staff Handbook 'Flexi-time Policy'.*
- **Homeworking** is when an employee regularly carries out part of their duties from home rather than the employer's premises. The organisation can consider homeworking being an occasional agreed day or a permanent mix of home and office-based work each week.
- **Job-sharing** is an arrangement where a full-time post is divided into two part-time roles. The two job holders then share the overall duties and responsibilities. Their skills and the hours each employee wishes to work must be compatible, and meet the needs of the organisation. Pay and benefits are shared in proportion to the hours each works.

Job sharing can be considered where the creation of a single part-time post is difficult, or where two individuals wish to work part-time. The suitability of posts for job-sharing will be stated in any internal or external advertisements.

- **Overtime** is when hours are worked in addition to the usual full-time hours. Overtime can be agreed where the organisation would benefit from an employee working more hours in agreement with the employee's line manager. This is voluntary and an employee can refuse overtime if they wish. *Please refer to Policy 1.2 of the Staff Handbook 'Overtime Policy'.*
- **Lieu-time** Employees working additional hours beyond their normal working week may choose to take time off in lieu instead of claiming overtime payment. *Please refer to Policy 1.3 of the Staff Handbook 'Lieu-time Policy'.*
- **Part-time working** covers any arrangement where an employee is contracted to work anything less than typical full-time hours for the type of work in question. For example, an employee who only works Monday to Wednesday. The

suitability of posts for part-time working will be stated in any internal or external advertisements.

- ***Term-time working*** is where an employee reduces their hours or takes time off during any school holidays. Any weeks above their annual leave entitlement will be unpaid. Salary can be paid in 12 equal monthly instalments (although arrangements may be permitted where an employee is only paid for the time worked and receive no pay during the holidays apart from their entitlement to annual leave).

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Paternity Leave

Who it Applies to

Employees with 26 weeks' continuous service, either ending with the 15th week before the expected week of childbirth or ending the week in which an agency notifies you have been matched with a child, will be entitled to take paternity leave if they expect to have parental responsibility for a child and they are either the mother's partner or one of the adoptive parents. The purpose of the leave must be either to care for the child or to provide support for the child's mother or adoptive parent.

When you can take Paternity Leave

Employees entitled to take paternity leave are entitled to two weeks of leave, which can be taken as two consecutive weeks, or two non-consecutive blocks of one week.

Paternity leave cannot start before a child is born or placed and must be taken at some stage within the first year following birth or adoption (except when the child is born prematurely in which case the leave must be taken within the 52 weeks following the expected week of childbirth).

Most new parents choose to begin paternity leave on the date their child is born, but you may, if you wish, begin the leave at any time you choose provided that the whole of the leave is taken by the end of that year.

Notice of Intention to take Paternity Leave

In order to qualify for paternity leave with regards to birth, you must notify the Council at least 15 weeks before the expected week of your child's birth and give at least 28 days' notice before the date you would like to take each period of leave.

For adoption cases, you must notify the Council within 7 days of having been notified that a child will be placed for adoption.

Your notification should specify how much leave you intend to take and when you intend the leave to begin. Should your plans change, you will need to give the Council 28 days' notice of any revision.

Statutory Paternity Pay

Paternity leave is payable at the statutory rate, which is subject to change every year. You can check the most up-to-date figure with your line manager.

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Carer's Leave

All employees are entitled to one week's unpaid leave in any 12-month period to provide or arrange care for a dependant with a long-term care need. A "week" for these purposes will be equal in duration to the period you are normally expected to work in a week at the time of making the request. How that is calculated will depend on whether you have non-variable or variable hours of work.

A dependant is:

- your spouse, civil partner, child or parent;
- someone who lives in the same household as you, otherwise than by reason of being your boarder, employee, lodger or tenant, or;
- anybody else who reasonably relies on you to provide or arrange their care.

A dependant has a long-term care need if:

- they have an illness or injury (whether physical or mental) that requires, or is likely to require, care for more than three months,
- they have a disability for the purposes of the Equality Act 2010, or
- they require care for a reason connected with their old age.

You can find up to date information on the Equality Act 2010 at: <https://www.gov.uk/definition-of-disability-under-equality-act-2010>

The minimum period of carer's leave that can be taken at one time is half a working day, with the maximum period being one continuous week. Leave need not be taken on continuous days.

You must give notice to your line manager of your request to take a period of carer's leave. This can relate to all or part of the leave to which you are entitled. The notice must:

- Specify that you are entitled to take carer's leave;
- Specify the days on which you would like to take carer's leave and if you will take a full or a half day; and
- Be given with the following minimum notice periods depending on how many days of leave you want to take:
 - Half a day to 1 day - 3 days' notice
 - 1.5 to 2 days - 4 days' notice
 - 2.5 to 3 days - 6 days' notice
 - 3.5 to 4 days - 8 days' notice
 - 4.5 to 5 days - 10 days' notice; or
 - 6 days (if you work 6 days a week) - 12 days' notice.

The Council may, in its absolute discretion, waive the notice length requirement above, and as long as the other requirements are met, the request will be treated as one for carer's leave.

Once Carer's Leave has been agreed with your line manager, it must be logged on your work HR account and the HR & Payroll Manager **must** be notified in order to maintain an accurate record of what is being requested.

If the Council reasonably considers that the operation of the business would be unduly disrupted if your request was granted, it may postpone the start of the carer's leave after consulting with you to agree an alternative date(s) which is/are no later than one month after the earliest day or half day of the request. In these circumstances, the Council will give written notice to you of the postponement, setting out the reason for the postponement and the agreed dates you can take the leave. This notice will be given no later than the earlier of:

- (a) seven days after your notice was given to the Council, or
- (b) before the earliest day or half day requested in your notice.

An employee might need to care for more than one dependant. In these circumstances, they can still only take one week of carer's leave. But they can use the week of leave for more than one dependant.

DUNSTABLE TOWN COUNCIL**PERSONNEL SUB-COMMITTEE****THURSDAY 20 JUNE 2024****HR SUMMARY UPDATE**

Purpose of Report: For information only
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1. STAFFING

- 1.1 Dunstable Town Council currently employs 73 staff.
- 1.2 Of these staff, 49 have permanent contracts, 5 have fixed-term contracts and 19 are casual workers.
- 1.3 39 employees are full-time, 15 employees are part-time.

2. SICKNESS

- 2.1 As of 1 June there are 3 staff on long-term sick. Two are within the Grounds and Environmental Services Team and one is within the Community Services Team.
- 2.2 Line Managers are in regular contact with these employees to get updates on their recovery or to offer assistance to help with their return to work. Liaison with our Occupational Health provider is ongoing for one employee.
- 2.3 A full report on sickness absence for 2023-2024 is found at Agenda Item 6.

3. PEOPLE MANAGEMENT**Engagement**

- 3.1 Quarterly All-Staff meeting dates have been set for the year. These are held on 2 different days, at 2 different times and 2 different venues to enable as many staff to attend as possible. We also record one of the sessions and share this on MS Teams to allow anyone who was unable to attend in person to view it.
- 3.2 The total in person attendance for the All Staff meetings held in April was 39.
- 3.3 Staff receive a monthly newsletter to update them on recent news and events. This is emailed directly both to their work email and/or their personal email. Out of the 88 recipients it was sent to in April & May, it was opened and read by 45 people in April and 50 in May. The HR & Payroll Manager continues to work on encouraging staff to take the time to open and read the email, and the Communications and Marketing Officer continues to try different content to attract attention.
- 3.4 Coffee with Paul continues. 20 different members of staff, from all service areas, have participated so far. Feedback from the sessions has been positive; staff have valued the opportunity to ask questions and discuss wider Council activities and issues.

Training

- 3.5 The initial appraisal process has been completed. All training requirements that have been identified have been collated and been submitted to the Senior Management Team. They assessed all the requests, and it was decided that all requests were relevant to the individual roles and that the total cost for the various courses fall within the training budget and so were approved. These will now be booked and completed throughout the coming year.
- 3.6 Mandatory Health and Safety courses for all staff are organised and implemented separately by the HR & Payroll Manager as and when required.
- 3.7 Staff are currently all undergoing training in the use of the new IT system. This includes using the MS Teams Telephony, Fundamentals of MS Teams and MS Teams Apps. At the time of writing the training has been well received, and staff are not reporting any issues of concern with the new system.

Health and Wellbeing

- 3.8 The Town Council understands the importance of looking after all aspects of staff health and wellbeing. A programme of events is organised for staff to attend. These are mostly held in lunchtimes, with a wide range of themes such as financial, physical and mental health, hobbies, fun and laughter.
- 3.9 Sessions are mostly held at lunchtimes, but it was suggested at one of the Coffee with Pauls that this is not always convenient for some services and therefore we are exploring options in holding them in the morning before work or at 5 pm.

Staff Awards

- 3.10 A 10-year Long Service Award was recently presented by the Town Mayor to Older People's Support Services Assistant, Vicky Ince. There are now currently 14 staff members who have worked more than 10 years for the Town Council.

Investors in People

- 3.11 The Town Clerk & Chief Executive and the HR & Payroll Manager attended a workshop with the IIP Assessor to find out more about the Gold Accreditation and to explore what processes would need to be in place to reach this standard.
- 3.12 To reach Gold (Advanced) is a lot more in-depth and evolves evaluating and collecting data and evidencing that our processes are imbedded throughout the whole Council. The IIP assessor suggested processes we need to complete, and these will be reviewed to see whether they can be implemented within the Council and within the budgets.
- 3.13 Currently, Dunstable Town Council is at Silver (Established).

Staff Survey 2023

- 3.14 At the last meeting of the Personnel Sub-Committee, Members asked for an update on the 2023 Staff Survey outcome. The Senior Management Team reviewed the results and comments and shared this formal response to all staff:
 - We acknowledge that 20% of people do not feel that there is a feeling of teamwork across different service areas of the Council. The Management Team will review this and seek formal and informal opportunities for cross working across the Council.

- Paul will be asking for any suggestions or comments arising from the survey during the coffee with Paul sessions.
- We recognise that some of the scores in communication reflect a need to work on how well decisions about individual areas of work are communicated and how well all staff are involved in decisions that affect them. The Management Team will develop and devise strategies to enable a consistent approach to sharing and explaining why decisions have been made.
- With regard to reward, pay and terms and conditions are negotiated nationally. Other realistic suggestions for rewarding staff will always be considered.

3.15 The next staff survey will be issued in September 2024.

4. ENHANCED STAFF BENEFITS

Wagestream

4.1 20 eligible staff are currently enrolled to use Wagestream to enable them to access their wages early. 4 staff also have a Build Pot where they allocate some of their wages to a saving scheme.

Vivup

4.2 31 eligible staff are currently registered to use the Vivup app. 6 orders have placed from the Home & Electronics option, where household items are purchased, and repaid monthly, interest free, directly from their wages.

4.3 Vivup also provides a Lifestyle Savings scheme, where vouchers for High Street Shops can be bought at a discount.

ToHealth

4.4 A session for another batch of staff to take the opportunity to have a health check will be booked for later on in the year.

Octopus Electric Vehicles

4.5 One member of staff has leased an electric vehicle from the scheme. In the 6-months they have had the vehicle, it is estimated that 1.59 tonnes of CO2 emissions have been saved, the equivalent of what 796 trees could absorb.

5. IMPROVEMENT PROJECTS

5.1 The Town Council is always looking for ways to improve our processes to make things more efficient and more user friendly and to keep up to date with ever changing HR legislation and policies. Worknest are currently reviewing all the policies in the Staff Handbook.

5.2 The HR & Payroll Manager is currently reviewing the induction process for new staff. The plan is to make it more consistent and in-depth, to help new employees understand and feel part of the 'Council' Team rather than just the team they have been employed to.

6. AUTHOR

6.1 Kelley Hallam – HR & Payroll Manager
Kelley.hallam@dunstable.gov.uk

DUNSTABLE TOWN COUNCIL**PERSONNEL SUB-COMMITTEE****THURSDAY 20 JUNE 2024****STAFF SICKNESS RECORDS AND POLICY**

Purpose of Report: The purpose of this report is to provide members with a summary of staff sickness records and to review the Council's sickness policy.

1. BACKGROUND INFORMATION

- 1.1 This report is to give Members an overview on staff sickness and to review the Sickness Policy, with any proposals for amendment to be made to the Council's Finance and General Purposes Committee.

2. SICKNESS RECORDS

- 2.1 A summary of staff sickness for the years 2021/2022, 2022/2023 and 2023/2024 is shown in the table below. Long-term sickness is classed as an absence that lasts for 4-weeks or more.

		2023/2024	2022/2023	2021/2022
	Percentage of Staff who have taken at least 1 day	79.31%	70.97%	68.75%
Including Long Term Sick	Total Sick Days Taken	1494	1184	1049
	Total Working Days	936.5	647	654
	Average No. of Days per employee	25.76	19.10	16.39
	Average working days per employee	16.15	10.44	10.22
Excluding Long Term Sick	Total Sick Days Taken	760	482	543
	Total Working Days	358	313	314
	Average days per employee	13.10	7.77	8.48
	Average working days per employee	6.16	4.16	4.91

- 2.2 Members will note that sickness has increased in the last year. Part of this may be due to a far higher than usual number of staff that have been on long-term sick. There were 10 staff that had a period of long-term sickness during 2023-2024, some of which had multiple occurrences. Long-term sickness normally averages 2 or 3 staff per year.

- 2.3 Of the 10 staff who have had long-term sick leave, 3 no longer work for the Council, 4 have returned to work with no further occurrences to date and 3 are still ongoing.

3. SICKNESS POLICY

- 3.1 The Council's current sickness policy and related documentation can be found within the appendices for Members of this Sub-Committee to review. Any proposed amendments will be recommended to the Finance and General Purposes Committee.
- 3.2 Members are reminded that the Town Council Terms and Conditions must be in-line with the National Joint Council agreed terms and conditions as set out in the 'Green Book'. Details of the NJC sickness scheme are included at Appendix 3 for information.

4. APPENDICES

Appendix 1 – DTC Sickness Policy

Appendix 2 – DTC Self Certificate and Return to Work forms

Appendix 3 – NJC Sickness Scheme Guidelines

5. AUTHOR

- 5.1 Kelley Hallam – HR & Payroll Manager
Kelley.hallam@dunstable.gov.uk

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SICK LEAVE

Absence Reporting

As soon as you are absent from work you are required to contact your immediate Line Manager or Head of Service, or if not possible another Head of Service, either personally or, if necessary, through a relative or friend. Contact must be made by way of a telephone conversation. A text message may be sent for the purposes of alerting your Line Manager to your absence prior to your normal start time. This must be followed up by a telephone conversation with your Line Manager within a reasonable time period, as determined by your Head of Service, giving reasons for your absence and stating how long the absence is likely to last.

If absence continues beyond three days you should again contact your immediate Line Manager or Head of Service to inform him/her about your situation. If absence continues for more than 7 days (including Sunday) you must obtain a Statement of Fitness for Work and send it to your Head of Service.

You may also be required to provide a Statement of Fitness for Work for shorter periods of absence immediately before or after an annual or bank/public holiday, or where repeated absence is a cause for concern.

On your return to work you must complete a Self-Certification Form for the whole period of absence. Forms are available from your Line Manager.

The Line Manager must notify the Head of Service as soon as they are notified of absence due to sick leave. They must also ensure the Self-Certification Form is completed on the day of return to work. At that time the immediate Line Manager must also conduct a Return to Work interview and complete the required form in the presence of the employee. The Line Manager must record all sickness on the relevant month's Staff Sickness Monthly Return and submit this to the Head of Service, together with the completed Self-Certification and Return to Work forms. All documents should be submitted by the 1st of the following month to the Head of Service, who will then forward them to the Head of Finance and Support Services by the 4th of the month.

If a MED3 (Statement of Fitness for Work) is submitted this should be sent to the Head of Finance and Support Services immediately on receipt (having first been recorded on the monthly return).

In cases where a Statement of Fitness for Work has covered a period of more than 14 days or where more than one Statement has been necessary, the Council reserves the right to request a letter from the doctor confirming fitness to resume duties or to refer you to an Occupational Health consultant, the cost of which would be met by the Council.

In the event that you fall sick during the period of annual leave, you will be regarded as being on sick leave from the date of a Statement of Fitness to Work and further annual leave will be suspended from that date. All normal reporting procedures apply.

Any delay in notification will affect payroll administration and sickness payments.

Sick Pay

Sick pay will be paid in accordance with the NJC National Agreement Sickness Scheme, as follows:

- 1) The scheme is intended to supplement Statutory Sick Pay and Employment and Support Allowance (previously Incapacity Benefit) so as to maintain normal pay during defined periods of absence on account of sickness, disease, accident or assault.
- 2) Absence in respect of normal sickness is entirely separate from absence through industrial disease, accident or assault arising out of or in the course of employment with a local authority. Periods of absence in respect of one shall not be set off against the other for the purpose of calculating entitlements under the scheme
- 3) Employees are entitled to receive sick pay for the following periods:

During 1st year of service:	1 month's full pay and (after completing 4 months service) 2 months half pay
During 2nd year of service	2 months full pay and 2 months half pay
During 3rd year of service	4 months full pay and 4 months half pay
During 4th and 5th year of service	5 months full pay and 5 months half pay
After 5 years of service	6 months full pay and 6 months half pay

Authorities shall have discretion to extend the period of sick pay in exceptional cases.

- 4) The period during which sick pay shall be paid, and the rate of sick pay, in respect of any period of absence shall be calculated by deducting from the employee's entitlement on the first day the aggregate of periods of paid absence during the twelve months immediately preceding the first day of absence.
- 5) In the case of full pay periods, sick pay will be an amount which when added to Statutory Sick Pay and Employment and Support Allowance receivable will secure the equivalent of normal pay.
- 6) In the case of half pay periods, sick pay will be an amount equal to half normal earnings plus an amount equivalent to Statutory Sick Pay and Employment and Support Allowance receivable, so long as the total does not exceed normal pay.
- 7) Normal pay includes all earnings that would be paid during a period of normal working, but excluding any payments not made on a regular basis.
- 8) The Employment and Support Allowance or equivalent social security benefits to be taken into account for the calculation of sick pay are those to which an employee is entitled on the basis that the employee has satisfied so far as is possible:

- (i) the conditions for the reporting of sickness as required by the authority;
- (ii) the claiming of benefits
- (ii) the obligation to declare any entitlement to benefits and any subsequent changes in circumstances affecting such entitlement.

- 9) An employee who is prevented from attending work because of contact with infectious disease shall be entitled to receive normal pay. The period of absence on this account shall not be reckoned against the employee's entitlements under this scheme.
10. If an employee abuses the sickness scheme or is absent on account of sickness due or attributable to deliberate conduct prejudicial to recovery or the employee's own misconduct or neglect or active participation in professional sport or injury while working in the employee's own time on their own account for private gain or for another employer sick pay may be suspended. The authority shall advise the employee of the grounds for suspension and the employee shall have a right of appeal to the appropriate committee of the authority. If the authority decide that the grounds were justified then the employee shall forfeit the right to any further payment in respect of that period of absence. Repeated abuse of the sickness scheme should be dealt with under the disciplinary procedure

If you are absent due to sickness during the course of disciplinary proceedings or during investigations into alleged breaches of rules, procedures or contractual obligations, you will not be entitled to sickness payment from the Council (other than SSP).

If you are absent from work due to injury or illness caused by a third party, any payments made by the Council as sickness payment will be classed as a loan; this will be repayable to the Council by you if compensation for loss of earnings is recovered from the third party.

If you are on paid suspension and become unfit for work or unable to attend any necessary meetings due to sickness your suspension may be lifted. If your suspension is lifted, you may no longer be entitled to full pay or sickness payment from the Council other than SSP.

At any time during employment, the Council reserves the right to require you to undertake a medical examination by a GP and/or Specialist appointed by the Council.

Return to Work Interviews

Having regard to its duty of care to its employees, the Council may complete a return to work interview after any sickness absence. This will ensure that you are fit for work and whether you anticipate any further absence relating to your illness. This will also give you an opportunity to discuss any concerns you may have regarding your illness with your Line Manager.

Disciplinary Action

Failure to follow the reporting procedure as set out above may result in sick pay being delayed or withheld and action under the Disciplinary Procedure being taken.

If you have been absent due to sickness and are found not to have been genuinely ill, you may be subject to action under the Disciplinary Procedure, which could include dismissal.

Appointments

You are normally expected to ensure that appointments to visit the doctor, dentist, hospital, etc. are made in your own time and outside normal working hours. In the event that this is not reasonably practicable, time off work will be permitted to attend such appointments, providing that the appointment is substantiated with an appointment card (if requested), and the timing of the appointment causes as little disruption as possible, i.e. at the beginning or end of the working day.

In the above cases, employees may take time off during core time and will be credited with a maximum of two hours. Any time taken in excess of this should be debited from their flexible time or normal working hours.

Medical treatment, which is required to last for a whole day, or renders the employee unfit to return to work, should be counted as sick leave.

Access to Medical Records

In certain circumstances it may be necessary for the Council to obtain a Medical Report from your Doctor/Specialist/Occupational Health in order to establish:

- the reason for and likely duration of absence
- when you will be able to return to work, and whether the problem will recur
- what, if any, treatment is being prescribed
- whether you can carry out all the duties of the job, and
- what, if any, reasonable adjustments are recommended

This will enable the Council to plan workloads. It is in the interests of both yourself and the Council to establish, with the benefit of expert medical opinion, your ability to work. You have certain rights under the Access to Medical Reports Act 1988.

Your Doctor/Specialist/Occupational Health cannot submit the report to the Council without your consent. You may withhold consent to the report being sought or can request to see the report prior to it being forwarded to the Council.

If you indicate that you wish to see the report in advance, the Council will inform you when the Doctor/Specialist/Occupational Health has been written to, and the Doctor/Specialist/Occupational health will also be notified that you wish to see the report. You then have 21 days to contact the Doctor/Specialist/Occupational Health regarding arrangements to see the report.

Should you indicate that you do not wish to see the report before the Council, you still have the right to write to the Doctor/Specialist/Occupational Health if the report has not been provided to the Council, and you have 21 days to contact the Doctor/Specialist/Occupational Health regarding arrangements to see the report. You have the right to ask the Doctor/Specialist/Occupational Health for a copy of the report for up to 6 months after it has been supplied. (There may be a charge for this.)

You may ask the Doctor/Specialist/Occupational Health to amend any part of the report which you consider to be incorrect or misleading. If the Doctor/Specialist/Occupational Health is not in agreement, you may attach a statement of your views with the report. If the Doctor/Specialist/Occupational Health thinks that you or others would be harmed by the report, or any part of the report, it can be withheld from you.

No decision will be made that could affect your employment without careful consideration of all the circumstances.

Where the Council wishes to obtain a medical report, you will be asked for your written consent. Should you withhold such consent the Council will take a decision regarding your continuing employment without the benefit of medical opinion.

Return to Work Interview & Form

A return to work interview should take place, in private, after every period of absence.

In the majority of cases the interview will be informal, simple and fast. The purpose of the interview is to have a two-way discussion, employees should feel that their manager is supporting them and they should be given every opportunity to discuss any concerns they may have with regard to their absence.

Begin the interview by welcoming back the employee and letting them know they have been missed

Explain the purpose of the interview and make it clear that it is routine to conduct one with all employees who are absent due to sickness and on every occasion of absence

You need to check that the employee has followed the correct absence reporting procedures and completed a self-certificate form, which should be attached to this form (effective from 1st day of absence)

You need to gain information on the following:

1. The reason for the absence and whether the employee is fit enough to resume their duties
2. Whether temporary adjustments need to be made to their duties or to the workplace such as a phased return after long term sickness
3. Whether the absence was work related
4. What preventative measures they are taking to reduce the likelihood of such absence occurring in the future

In cases of persistent absence you should remind the employee of the importance of full attendance and the impact their absence has on their colleagues, the team and service delivery. You should explain, with sensitivity dependant on circumstances, that continued periods of absence could lead to formal action being taken.

In all cases you should summarise any action you have agreed should take place, for example referral to Occupational Health, changes to working arrangements, etc

Incorrect Sickness Reporting

Procedure for Interviewers, Line Managers and Heads of Service.

All staff are expected to report sickness in accordance with the town council's sickness reporting policy and procedure, which may include local arrangements within specific teams. Should a member of staff fail to report their sickness correctly this MUST be picked up in their return to work interview.

First instance of incorrect reporting

Person undertaking the return to work interview (the interviewer) to address the incorrect reporting at the interview, noting any mitigating circumstances, reminding the individual of the correct reporting procedure and making a note on the individual's personnel file of the conversation.

Subsequent instances of incorrect reporting

The interviewer to complete the return to work interview, and note the incorrect reporting of sickness. Immediately after the return-to-work interview is complete, separately conduct an investigation meeting to establish what happened, why the individual did not report sickness correctly and noting any mitigating circumstances.

The interviewer to pass this investigation report to their line manager/head of service for them to determine whether a disciplinary meeting is required in line with the Council's Disciplinary and Grievance Policy.

DUNSTABLE TOWN COUNCIL

Self Certificate for sickness and injury absence

This form must be completed by an employee returning to work after sickness or injury absence.

Please complete in BLOCK CAPITALS

Full Name	
Department	
Job Title	
Payroll Number	

I certify that I was unfit for work because of sickness on:

(please enter day and date – including Saturday and Sunday)

First Day Absent	day	Date	
Last Day Absent	day	Date	
Date returned to work	day	Date	

The reason for my absence was: (it is not enough to say “sick”, “felt ill”, etc)

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What date did you last work?		What time did you finish work?	
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Was this absence due to industrial injury?	Yes		No	
Did you consult your Doctor on this occasion?	Yes		No	

If more than 7 day absence – MED3 – Statement of Fitness for Work submitted	Yes		No	
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Name and Address of your Doctor *(only required if you consulted your Doctor)*

Name	
Address	

I declare that the information given above is true. I understand that it will be used to establish my right to sick pay and that to give false or misleading information can result in disciplinary proceedings which may lead to dismissal.

Signed		Date		Time	
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DUNSTABLE TOWN COUNCIL

Employee absence - Return to work form

Employee's Full Name			
Job Title		Date of Meeting <i>(date of return to work)</i>	
Head of Service/Line Manager			

Date of sick leave

(please enter day and date – including Saturday and Sunday)

First Day Absent	day	Date	
Last Day Absent	day	Date	
Total number of days absent			
Total working days absent			

FOR PART-TIME OR VARIED ROTA ONLY enter days scheduled to work during period
(please tick box and enter no. of hours per day):

Mon	Tues	Wed	Thurs	Fri	Sat	Sun

If more than 7 day absence – MED3 – Statement of Fitness for Work submitted		Yes		No	
Is the employee fully fit to carry out the duties of the post		Yes		No	
If the absence was long term, does anything need to be put in place with regard to the duties of the post		Yes		No	
Was this absence as a result of an accident at work		Yes		No	
If accident at work, has an accident form been completed		Yes		No	
Are there any Health and Safety Implications? ie, workplace Assessment		Yes		No	

Summary of any recommended action: (continue overleaf if necessary)

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Signature of Employee		Date	
Signature of Head of Service/Line Manager		Date	

This form to be retained by Line Manager and submitted with completed monthly Sickness Return by 1st of each month.

NJC SICKNESS SCHEME

EXTRACT FROM THE GREEN BOOK

10.1 The scheme is intended to supplement Statutory Sick Pay and Incapacity Benefit, Employment and Support Allowance or equivalent social security benefit so as to maintain normal pay during defined periods of absence on account of sickness, disease, accident or assault.

10.2 Absence in respect of normal sickness is entirely separate from absence through industrial disease, accident or assault arising out of or in the course of employment with a local authority. Periods of absence in respect of one shall not be set off against the other for the purpose of calculating entitlements under the scheme.

10.3 Employees are entitled to receive sick pay for the following periods:

- During 1st year of service 1 month's full pay and, after completing 4 months' service, 2 months' half pay
- During 2nd year of service 2 months' full pay and 2 months' half pay
- During 3rd year of service 4 months' full pay and 4 months' half pay
- During 4th and 5th year of service 5 months' full pay and 5 months' half pay
- After 5 years' service 6 months' full pay and 6 months' half pay

Authorities shall have discretion to extend the period of sick pay in exceptional cases.

10.4 The period during which sick pay shall be paid, and the rate of sick pay, in respect of any period of absence shall be calculated by deducting from the employee's entitlement on the first day the aggregate of periods of paid absence during the twelve months immediately preceding the first day of absence.

10.5 In the case of full pay periods sick pay will be an amount which when added to Statutory Sick Pay and Incapacity Benefit, Employment and Support Allowance or equivalent social security benefit receivable will secure the equivalent of normal pay.

10.6 In the case of half pay periods sick pay will be an amount equal to half normal earnings plus an amount equivalent to Statutory Sick Pay and Incapacity Benefit, Employment and Support Allowance or equivalent social security benefit receivable, so long as the total sum does not exceed normal pay.

10.7 Normal pay includes all earnings that would be paid during a period of normal working, but excluding any payments not made on a regular basis.

10.8 The Employment and Support Allowance or equivalent social security benefits to be taken into account for the calculation of sick pay are those to which an employee is entitled on the basis that the employee has satisfied so far as is possible:

- (i) the conditions for the reporting of sickness as required by the authority;
- (ii) the claiming of benefits

(iii) the obligation to declare any entitlement to benefits and any subsequent changes in circumstances affecting such entitlement.

10.9 An employee who is prevented from attending work because of contact with infectious disease shall be entitled to receive normal pay. The period of absence on this account shall not be reckoned against the employee's entitlements under this scheme.

10.10 If an employee abuses the sickness scheme or is absent on account of sickness due or attributable to deliberate conduct prejudicial to recovery or the employee's own misconduct or neglect or active participation in professional sport or injury while working in the employee's own time on their own account for private gain or for another employer sick pay may be suspended. The authority shall advise the employee of the grounds for suspension and the employee shall have a right of appeal to the appropriate committee of the authority. If the authority decide that the grounds were justified then the employee shall forfeit the right to any further payment in respect of that period of absence. Repeated abuse of the sickness scheme should be dealt with under the disciplinary procedure.

Sickness Scheme

4.1 An employee shall not be entitled to claim sick pay under the scheme unless:

- (i) notification is made immediately to the person identified for this purpose by the authority;
- (ii) further notification is made as required by the authority;
- (iii) a doctor's statement is submitted to the authority not later than the eighth calendar day of absence;
- (iv) subsequent doctor's statements are submitted as necessary;
- (v) in cases where the doctor's statement covers a period exceeding fourteen days or where more than one statement is necessary, the employee must, before returning to work submit to the authority a final statement as to fitness to resume duties;
- (vi) on return to work the employee signs a statement detailing the reasons for absence for all absences up to and including seven days.

4.2 An employee shall, if required by the authority at any time, submit to a medical examination by a medical practitioner nominated by the authority, subject to the provisions of the access to Medical Reports Act 1988 where applicable. Any costs associated with the examination should be met by the employing authority. Where it is necessary to obtain a second medical opinion, it should be provided by an independent medical referee.

4.3 Where, for the purpose of qualifying for sick pay under the scheme, an authority requires a doctor's statement from an employee, the authority will reimburse the employee the cost of such a statement on the provision of a receipt.

4.4 An employee who falls sick during the course of annual leave shall be regarded as being on sick leave from the date of a doctor's statement.

4.5 Where an employee is receiving sick pay under the scheme, sick pay should continue if a public or extra statutory holiday falls during such sickness absence. No substitute public or extra statutory holiday should be given.

4.6 Widows and married women exercising their right to be excepted from the payment of full rate National Insurance Contributions shall be deemed to be insured in their own right for all National Insurance benefits.