

## AGENDA

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**Meeting:** STAFFING POLICY COMMITTEE  
**Place:** Committee Room 7 - County Hall, Trowbridge  
**Date:** Thursday 16 December 2010  
**Time:** 10.30 am

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Please direct any enquiries on this Agenda to Roger Bishton, of Democratic and Members' Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713035 or email [roger.bishton@wiltshire.gov.uk](mailto:roger.bishton@wiltshire.gov.uk)

Press enquiries to Communications on direct lines (01225) 713114/713115.

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### Membership:

Cllr Allison Bucknell  
Cllr Rod Eaton  
Cllr Mike Hewitt  
Cllr David Jenkins  
Cllr Francis Morland

Cllr John Noeken  
Cllr Mark Packard  
Cllr Jane Scott OBE  
Cllr John Smale

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### Substitutes:

Cllr Ernie Clark  
Cllr Peter Colmer  
Cllr Mary Douglas  
Cllr George Jeans

Cllr Howard Marshall  
Cllr Bill Moss  
Cllr Christopher Newbury  
Cllr Jonathon Seed

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## **PART I**

### **Items to be considered while the meeting is open to the public**

1. **Apologies for absence**

2. **Minutes of Previous Meeting** *(Pages 1 - 4)*

To confirm the minutes of the meeting held on 24 November 2010. (Copy attached)

3. **Declarations of Interest**

To receive any declarations of personal or prejudicial interests or dispensations granted by the Standards Committee.

4. **Chairman's Announcements**

5. **Public Participation**

The Council welcomes contributions from members of the public.

If you would like to make a statement at this meeting on any item on this agenda, please register to do so at least 10 minutes prior to the meeting. Up to 3 speakers are permitted to speak for up to 3 minutes each on any agenda item. Please contact the officer named above for any further clarification.

Members of the public wishing to ask a question should give written notice (including details of any question) to the officer named above by **12.00noon on Tuesday 14 December 2010**.

6. **Management Review - Update** *(Pages 5 - 6)*

A report by the Service Director HR & OD is attached.

7. **Trade Union Negotiations - Update** *(Pages 7 - 10)*

A report by the Service Director HR & OD is attached.

8. **Closure of Lease Car Schemes** *(Pages 11 - 40)*

A report by the Service Director HR & OD is attached.

9. **Introduction of Salary Sacrifice Scheme to Lease Cars** (Pages 41 - 58)

A report by the Service Director HR & OD is attached.

10. **Absence Management Policy and Procedure** (Pages 59 - 134)

A report by the Service Director HR & OD is attached.

11. **Employee Business Continuity Policy** (Pages 135 - 152)

A report by the Service Director HR & OD is attached.

12. **Death in Service Policy** (Pages 153 - 162)

A report by the Service Director HR & OD is attached.

13. **Date of Next Meeting**

To note that the next three meetings are due to be held as follows, all starting at 10.30am:-

Wednesday 12 January 2011

Wednesday 9 February 2011

Wednesday 9 March 2011

14. **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be considered as a matter of urgency. Urgent items of a confidential nature may be considered under Part II of this agenda.

**PART II**

**Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed**

None

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## **STAFFING POLICY COMMITTEE**

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### **DRAFT MINUTES OF THE STAFFING POLICY COMMITTEE MEETING HELD ON 24 NOVEMBER 2010 AT COMMITTEE ROOM III - COUNTY HALL, TROWBRIDGE.**

#### **Present:**

Cllr Allison Bucknell (Chairman), Cllr Rod Eaton, Cllr Mike Hewitt, Cllr David Jenkins, Cllr Francis Morland, Cllr Bill Moss (Reserve), Cllr John Noeken, Cllr Mark Packard and Cllr John Smale

#### **54. Apologies for absence**

An apology for absence was received from Cllr Jane Scott OBE, who was substituted by Cllr Bill Moss.

#### **55. Minutes of Previous Meeting**

##### **Resolved:**

**To confirm and sign the minutes of the Committee meeting held on 12 October 2010 as a correct record.**

#### **56. Declarations of Interest**

There were no declarations of interest.

#### **57. Chairman's Announcements**

There were no Chairman's announcements.

#### **58. Public Participation**

There were no members of the public present.

#### **59. Management Review - Update**

The Committee received a report by the Service Director HR & OD which provided an update on the Management Review.

Agreement with the recognised trade unions, UNISON, UNITE and GMB, had been reached following a series of negotiation meetings and the outcome of a

GMB ballot confirming it's members acceptance of the proposed changes to those polices. A number of meetings had been held regarding the need to make savings over the next four years and copies of the statements issued by the Chief Executive and Unison are appended to these Minutes at Appendix A and B respectively.

It was noted that the deadline for applications for voluntary redundancy was Friday 26 November 2010 and that the number of staff making application would be known during the early part of the following week. Further applications would be invited from those staff who remained displaced following completion of the appointments procedure.

Comments and alternative suggestions about the proposed new management structures had been invited from all staff and the deadline for this feedback was 26 November 2010.

A further meeting of the Extended Leadership Team (ELT) was due to be held on 29 November 2010 to go through the next stages of the 90 day consultation period, including:-

- Completing the voluntary redundancy scoring matrix
- Managing voluntary redundancies and the leaver process
- Completing the ownership and ring fencing process
- Re-opening voluntary applications where appropriate

**Resolved:**

**To note the latest position.**

60. **Disciplinary Policy & Procedure Update**

On considering a report by the Service Director HR & OD which presented an updated Disciplinary Policy and Procedure together with the toolkit of guidance documents,

**Resolved:**

**To support and approve the revised Disciplinary Policy and Procedure.**

61. **Grievance Policy & Procedure**

On considering a report by the Service Director HR & OD,

**Resolved:**

**To support and approve the revised Grievance Policy and Procedure.**

62. **Appeal Policy & Procedure - New Policy**

On considering a report by the Service Director HR & OD,

**Resolved:**

**To support and approve the proposed Appeals Policy and Procedure.**

63. **Career Break Scheme - New Policy**

On considering a report by the Service Director HR & OD,

**Resolved:**

**To support and approve the proposed Career Break Scheme.**

64. **Agency Interim and Consultancy Staff Procurement Policy**

On considering a report by the Service Director HR & OD,

**Resolved:**

**To support and approve the Policy for the Procurement of Temporary Agency/Interim and Consultancy Staff.**

65. **Externalisation, Procurement and the Workforce**

On considering a report by the Service Director HR & OD,

**Resolved:**

**(1) To note the content of the report.**

**(2) To adopt the local agreement.**

**(3) To agree that compliance with the protocol be confirmed in all recommendations to Cabinet for externalisation involving staff.**

66. **Local Government Pension Scheme (LGPS) - Employer Discretions**

On considering a report by the Service Director HR & OD,

**Resolved:**

**To adopt the former Wiltshire County Council's Employers Discretion Policy in relation to Local Government Pension Scheme Regulations.**

67. **Quarterly Workforce Reports - September 2010**

The Committee received quarterly workforce reports excluding schools for the quarter ended 30 September 2010 concerning:-

Headcount and Full Time Equivalent  
Age Profile  
Employee Diversity  
Sickness Absence  
Health and Safety  
Voluntary Staff Turnover  
Disciplinary and Grievance Cases

Members of the Committee questioned the reasoning for setting the benchmark at the upper quartile in some instances and suggested that it be set at the median in all cases.

**Resolved:**

- (1) To note the contents of the report.
- (2) To set all benchmarks at the median.

68. **Date of Next Meeting**

**Resolved:**

To note that the next meeting was due to be held on Thursday 16 December 2010, starting at 10.30am.

69. **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30am to 12.45pm)

The Officer who has produced these minutes is Roger Bishton, of Democratic & Members' Services, direct line 01225 713035, e-mail [roger.bishton@wiltshire.gov.uk](mailto:roger.bishton@wiltshire.gov.uk)

Press enquiries to Communications, direct line (01225) 713114/713115



## WILTSHIRE COUNCIL

### STAFFING POLICY COMMITTEE 16<sup>th</sup> December 2010

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#### **MANAGEMENT REVIEW - UPDATE**

##### **Purpose of Report**

1. This purpose of this report is to provide Staffing Policy Committee with an update on the management review.

##### **Background**

2. Revised management structures have been developed over recent months by corporate and service directors, with the aim of delivering £8m savings from their salary budgets. As a result of the revisions to structures a number of management posts have been deleted, and others created or changed as a result.
3. The management review is now underway. A total of 571 managers have been placed at risk of redundancy, and collective and individual (where required) formal consultation with those managers.
4. A total of 25 collective consultation meetings took place on Wednesday 10 November 2010. At these meetings managers at risk of redundancy were given a redundancy information pack including an application form to apply for voluntary redundancy

##### **Current Situation**

5. During the period 11<sup>th</sup> to 26<sup>th</sup> November individual consultation meetings took place where they were required.
6. The deadline for applications for voluntary redundancy was 26<sup>th</sup> November 2010. Further applications will be invited from those staff who remain displaced following completion of the appointments procedure.
7. A further ELT briefing took place on 29<sup>th</sup> November 2010 to go through the next stages of the 90 day consultation period and included:
  - Completing the voluntary redundancy scoring matrix
  - Managing voluntary redundancies and the leaver process
  - Completing the ownership and ring fencing process
  - Re-opening voluntary applications (where appropriate)
8. Comments and alternative suggestions about the proposed new management structures were invited from all staff. The deadline for this feedback was 26<sup>th</sup> November 2010. As a result of this consultation some changes have been made to structures. These are in libraries and communities in the department of community services, finance in the department of resources and commissioning and performance in the department for children and education.
9. Changes have also been made to the structure for schools improvement following the release of The Schools White Paper on 24<sup>th</sup> November 2010.

10. The number of applications for voluntary redundancy received by the deadline is 127. In some areas there are more applications than the number of redundancies required, but in 10 service areas the number of applications is less than required.
11. In some areas (Schools & Learning and Targeted Services) the numbers are significantly adrift. However there are significant numbers of Centrally Employed Teachers (CET) at risk in both of these service areas who do not have an enhanced Voluntary Redundancy option under their terms and conditions. These CET managers are likely to hold on until after all potential redeployment options are exhausted.
12. It should also be noted that whilst there have been enough applications in some service areas they may not be the right people, and therefore not accepted for voluntary redundancy. Once service directors have determined which applications to accept a further assessment of how many redundancies are still required will be collated.
13. Once volunteers for redundancy have been accepted the remaining staff placed at risk will be subject to the appointments procedure, after which any staff who remain displaced will be invited to volunteer for redundancy again. The deadline for these applications is 21<sup>st</sup> January 2011.
14. Staff who do not volunteer, and are not redeployed by that date will be compulsory redundant, and will be issued with their notice of dismissal on 11<sup>th</sup> February 2011.

#### **Environmental Impact of the Proposal**

15. None.

#### **Equalities Impact of the Proposal**

16. An Equalities Impact Assessment of the management review took place on 20 October 2010. No major issues were identified.

#### **Risk Assessment**

17. None

#### **Options Considered**

18. None.

#### **Recommendation**

19. Staffing Policy Committee is asked to note the content of this report.

**Barry Pirie**  
**Service Director**  
**HR & OD**

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Report Author: Joanne Pitt. Service Head - HR Policy & Strategy

**The following unpublished documents have been relied on in the preparation of this Report:** None

## WILTSHIRE COUNCIL

### STAFFING POLICY COMMITTEE

16<sup>th</sup> December 2010

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### TRADE UNION NEGOTIATIONS - UPDATE

#### Purpose of Report

1. This purpose of this report is to provide Staffing Policy Committee with an update on the trade union negotiations.

#### Background

2. Since July 2010 there have a number of meetings with the trade unions recognised for negotiating changes to locally agreed terms and conditions of employment for staff subject to the National Joint Council (Green Book) terms and conditions. Those trade unions are UNISON, UNITE and GMB.
3. The unions have been given detailed information about the need to make savings of £16 million from people costs by April next year and that £8 million of this amount will be found from the review of our management structures and reducing our number of managers by around 240. The anticipated annual savings of £5.5 million from the reduction in the use of temporary agency and consultancy staff has also been discussed.
4. The unions have been advised of the need to find further annual savings of at least £2.5 million from our people costs. In these discussions areas where savings could be achieved are those where staff terms and conditions have been locally agreed.
5. There has been some indication from the Local Government Employers (LGE) that steps may be taken shortly to negotiate changes to nationally negotiated terms and conditions.

#### Current Situation

6. At a meeting with the unions on 1<sup>st</sup> November there were discussions about possible areas which could, if agreed, deliver the £2.5 million of savings. These proposals included: -
  - Removal of the payment of essential car user allowances and lump sums, and the casual car user allowances – potential annual savings of £750,000.
  - Withdrawal of market plussage payments – potential annual savings of £500,000.
  - Reduction in overtime rates – potential annual savings of £250,000.
  - Removal of unsocial hours' plussage payments – potential annual savings of £500,000.
  - Withdrawal of subsidised lease cars – potential annual savings of £250,000
  - Withdrawal of the payment of a six month increment to staff who join, or are promoted on or after 1 October and before 1 April – potential annual savings of £250,000.

7. Other areas discussed with the unions included proposals to generate income by introducing a charge for staff car park permits.
8. There were also discussions about cost avoidance proposals including the reduction in the time new pay protection is paid from three years to 18 months, and the reimbursement of new excess home to work travel claims to be paid only where the excess mileage is over 15 miles. Payment of these travel claims would be reduced from three years to one year.
9. The estimated annual cost of not taking the actions described in point 8 is a minimum of £750,000. If these arrangements continue savings of the same amount will need to be found from other staffing costs. This was made clear to the unions during the discussions.
10. UNISON have consulted with their members, and used an indicative ballot to determine whether members would be likely to accept any of the proposals. It was made clear to the unions during the discussions, that the alternative to not achieving savings by reducing some terms and conditions, will be further job losses.
11. At a meeting with the unions on 18<sup>th</sup> November 2010, UNISON responded to the proposals and advised that the ballot indicated that members would not accept the proposals. Both GMB and UNITE indicated that their members would not support any proposals that would have a direct impact on them, specifically proposals to reduce unsocial hours payments and overtime rates.
12. It was agreed at that meeting to issue a communication to staff from the Chief Executive and to staff members from UNISON, to outline the progress of the negotiations and to confirm the indications from union members not to support the proposals to reduce some terms and conditions of employment. These communications were issued on Monday 22<sup>nd</sup> November 2010.
13. Negotiations with the trade unions continue, and at the most recent meeting on 29<sup>th</sup> November 2010 there were discussions about the scope for further negotiation. The unions were asked to consider the areas where they could negotiate changes to terms and conditions in order to provide savings and to avoid redundancies. It was agreed at that meeting for the council to redefine the proposals, and the steps that could be taken to achieve changes to some terms and conditions.
14. A further meeting with the trade unions is scheduled to take place on 14<sup>th</sup> December 2010.

#### **Environmental Impact of the Proposal**

15. None.

#### **Equalities Impact of the Proposal**

16. None.

#### **Risk Assessment**

17. None.

#### **Options Considered**

18. None.

**Recommendation**

19. Staffing Policy Committee is asked to note the content of this report.

**Barry Pirie  
Service Director  
HR & OD**

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Report Author: Joanne Pitt. Service Head - HR Policy & Strategy

**The following unpublished documents have been relied on in the preparation of this Report: None**

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## **CLOSURE OF LEASE CAR SCHEMES**

### **Purpose**

1. The purpose of this report is to recommend that the Staffing Policy Committee finally withdraw the three suspended subsidised lease car schemes by 31<sup>st</sup> March 2012.

### **Background**

2. The subsidised lease car schemes were introduced in the early 1990s as recruitment and retention tools at a time when it was challenging to recruit to professional grades.
3. There are currently approximately 200 staff who have a subsidised lease car (approximately 30 on TUPE'd terms and conditions). Prior to Vesting Day, three of the former authorities offered subsidised lease car schemes: County Council; North Wilts; and Kennet. These schemes are broadly similar although they differ slightly in the detail.
4. The County Council scheme has been suspended since early 2009 and no new leases have been taken out since then. The ex district schemes have been suspended since vesting day. This has led to some inequality as a group of staff have continued to have access to a benefit which is not open to others. In February 2010 the Pay Harmonisation Executive Board decided to extend the current embargo on new leases in all schemes until June 2011 and authorised the extension of individual leases due to end before June 2011 if the drivers wanted this.
5. Current leases are therefore due to expire on various dates between November 2010 and June 2012. Staff with lease cars fall into one of three categories: those on their original lease; those who have had formal extensions (for 6 or 12 months) agreed by their provider following the Pay Harmonisation Executive Board decision in February 2010; and those who have had informal extensions following that decision. Informal extensions have no specific end date.
6. All staff have received correspondence after the Executive Board decision in February 2010 detailing their own particular circumstance. This correspondence also signposted the possible closure of the schemes as it informed them that, 'it is not known whether there will be a lease car scheme beyond June 2011...'.  
7. The lease car schemes were not introduced through a collective agreement so the Council does not need to negotiate with unions about removing them.
8. The Staffing Policy Committee will also consider the Staff Management Executive Board's recommendation to introduce a Salary Sacrifice scheme to lease cars. This scheme enables an employee to reduce their salary by a certain amount, which is then used to pay the lease on a car. There are possible tax savings for the employee and for the Council in doing this. There would be no subsidies in this scheme.

### **Closing the schemes**

9. The Staff Management Executive Board considered three options about when to close the schemes:

- **Option 1** – Close by 30<sup>th</sup> June 2011;

- **Option 2** – Close by 31<sup>st</sup> December 2011  
(with all leases ending between 30<sup>th</sup> June 2011 and 31<sup>st</sup> December 2011);
- **Option 3** – Close by 31<sup>st</sup> March 2012  
(with all leases ending between 30<sup>th</sup> June 2011 and 31<sup>st</sup> March 2012).

10. The Staff Management Executive Board recommends to the Staffing Policy Committee that the schemes end on 31<sup>st</sup> March 2012, Option 3. This means that as many leases as possible end between 1<sup>st</sup> July 2011 and 31<sup>st</sup> March 2012. Those leases which have not ended naturally in this time would have the contracts terminated on 31<sup>st</sup> March 2012 which would be the final closing date.
11. It is prudent for the Council to act reasonably by giving a lengthy notice period to staff warning of the closure. This notice period would allow staff to make other arrangements for providing a car.

### **Financial considerations**

12. A decision to finally withdraw the subsidised lease car schemes would fit with the Council's business plan to manage financial pressures over the next four years. The Comprehensive Spending Review indicated that the council's budget reduction will be 28.4% over four years (over £120 million). The council therefore needs to find savings of £2.5 million from people costs. Closing the subsidised lease car schemes is one proposal towards achieving this £2.5 million saving.
13. The subsidised lease car schemes currently cost the Council around £475,000 per annum in subsidies and mileage costs. If the subsidised lease car schemes were closed the council would no longer pay £475,000 in subsidies and mileage. However, some ongoing costs would continue for this group of staff. They will have previously claimed 12.7p per business mile in a lease car and would now need to claim for business miles in one of three ways: as essential car users; as casual users; or claim the Inland Revenue rate for any business miles travelled.
14. The potential cost of staff with lease cars returning to their contractual mileage rates has been modelled. On this basis, the likely cost of business travel per annum for this group of staff would be £235,000.
15. If a lease is terminated before it ends naturally there may be an early termination charge. This will affect leases which are still in their original term and those which have been formally extended (6 or 12 months). Provider's charges vary, but they specify a particular months' rental depending on when the term of the lease is ended.
16. It is therefore likely that savings from not re-introducing the subsidised lease car schemes could be £240,000 per annum (£475,000 - £235,000). This figure does not take into account any one off early termination charges. It also does not take into account any administration costs of running the schemes, or that it is likely that re-opened subsidised lease schemes would have higher costs than the current suspended schemes. This is because eligible staff who had previously been unable to access the schemes during the suspensions would now be able to do so.
17. Closing the scheme on 31<sup>st</sup> March 2012 would mean that the first financial year of full savings (£240,000) would be 2012/13. The likely savings of each option during financial year 2011/2012 has been modelled by Finance and is attached at Appendix A. Option 3 has been highlighted for information.
18. Some of the full year savings may be achieved before financial year 2011/2012 as some of the managers affected by the management review will have lease cars and their leases will be terminated at the point they leave the Council.



## **Recommendations**

19. The Staffing Policy Committee is recommended to close the three suspended subsidised lease car schemes by 31<sup>st</sup> March 2012, with as many leases as possible ending between 1<sup>st</sup> July 2011 and 31<sup>st</sup> March 2012.
20. The Staffing Policy Committee is recommended to authorise the issue of letters to all current lease car holders informing them that the schemes are being withdrawn and the arrangements for returning their car.

**Barry Pirie**

**Service Director**

**HR and Organisational Development – Resources**

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Report Author: Claire Parr – Senior Project Officer – Pay Harmonisation Team

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## APPENDIX A: Proportion of full year savings to be achieved during financial year 2011/2012 from closing lease car schemes

Option	Scheme Closure date	Basis of savings in 2011/12	2011/12 Savings	Termination Payments	Overall Savings
1	30/06/11	9 Months worth of full year savings (£240,000) less termination fees	180,000	45,358	134,642
2	31/12/11	3 Months of full year savings (£240,000) plus prorata savings for leases ending between 30/06/11 and 31/12/11, less termination fees	140,632	35,669	104,962
3	31/03/12	<b>0 months of full year savings (£240,000) - prorata savings throughout the year, less termination fees</b>	<b>132,632</b>	<b>27,162</b>	<b>105,469</b>

### Assumptions made:

- a) Most leases which have been extended will have an early termination charge to end the lease on 30th June 2011.
- b) Lease companies will accommodate any requested extension to a lease when a current lease expires.
- c) All staff want to continue to have a lease car for as long as possible.
- d) Rentals for extended leases will continue at the same level as their original term. Early termination fees have been modelled on this basis also.
- e) Savings are split equally across all leases.
  
- f) No account has been taken of the fact that some cars may be handed in early, either by choice, or due to the management review that is currently being undertaken

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## **INTRODUCTION OF SALARY SACRIFICE SCHEME TO LEASE CARS**

### **Purpose**

1. The purpose of this report is to recommend to the Staffing Policy Committee that a salary sacrifice scheme to lease cars is introduced for staff by April 2011, using Tusker Direct as a provider.

### **Background**

2. Wiltshire Council currently runs a salary sacrifice scheme for Childcare vouchers and has previously done so for bikes. Salary sacrifice involves the employee sacrificing an element of their pay before tax and NI is taken, in return for the lease of a car over a three year period. The employee saves tax and NI on the amount sacrificed and Wiltshire Council saves the NI on the sacrificed amount.
3. A Salary Sacrifice scheme which enables staff to lease a car would be made available to all staff, excluding teachers, and subject to some parameters (for example, salary must not fall below the national minimum wage, an employee must have a contract which covers the period of the lease). It would not involve any subsidy by the Council.
4. The Staffing Policy Committee will also consider the Staff Management Executive Board's recommendation to close the three current subsidised lease car schemes by 31<sup>st</sup> March 2012.

### **Using Tusker**

5. Tusker will set up the salary sacrifice scheme and administer the scheme. North Yorkshire County Council (NYCC) uses Tusker Direct and under the same terms, Tusker has been awarded a Pan Government Collaborative Framework Agreement. This means that the scheme becomes available to all UK contracting public sector authorities so we can introduce the scheme without spending time and money going out to tender.
6. The Pan Government Collaborative Framework Agreement provides two specific parameters to the scheme: any car leased under the scheme must have an upper CO2 limit of 120g/km; and the lease must be for 3 years.
7. Tusker has presented the scheme to various stakeholders within the Council (HR, finance, procurement, pensions, payroll). All stakeholders clarified how the scheme might work from their point of view and have provided feedback which has been taken into account for this report. Legal and Procurement have reviewed the framework agreement and consider it is well written and clear. Full and detailed discussions have taken place with North Yorkshire County Council whose scheme has been open nearly a year.

### **Benefits for the council**

8. A Salary Sacrifice Scheme for cars is a tangible benefit for employees at a time when other areas of their terms and conditions may be affected by the current financial climate and the scheme may therefore help to boost morale at a difficult time. It could promote retention and be an added attraction for new staff. Tusker Direct could introduce the scheme before the current subsidised lease car schemes are closed, allowing many of

those who are affected by this closure to consider whether they want to join the salary sacrifice scheme instead.

9. There will be an upper CO2 limit of 120g/km on the cars that can be leased. Incorporating this limit into Wiltshire's scheme supports the Council's current corporate plan which states that the Council has to reduce its CO2 emissions by 20% by 2014 from its 2008/09 baseline footprint. Wiltshire is a rural county with limited public transport options for many, resulting in the car being the preferred option for both commuting and work mileage. If a proportion of the Council's staff switch to low emission cars for personal and work related miles, this would reduce the carbon emissions in the County. Tusker Direct can provide a monthly report on CO2 reduction the Council has achieved through the salary sacrifice scheme. To emphasise its green credentials North Yorkshire has labelled their scheme the Green Car Lease Scheme and Wiltshire Council would do the same.
10. Over 1300 staff used a car for business travel in the last 12 months; some of these staff have a contractual requirement to provide a car for business travel. A salary sacrifice scheme for cars could help these drivers provide a car for work.
11. A scheme which provides new, fully maintained cars to Council employees can help ensure the Council meets its Duty of Care obligations under the new Corporate Manslaughter Act introduced in April 2008.
12. Using Tusker will benefit Wiltshire businesses as Tusker is bound to source vehicles from local dealers.

### **Risks to the Council**

13. As no deductions can be taken from statutory pay the council becomes liable for the cost of a lease while an employee receives statutory pay (maternity, paternity, adoption or sickness). This also affects the salary sacrifice Childcare Voucher Scheme that Wiltshire Council currently runs. Currently the Council does not advertise to staff that the Council becomes liable for the amount sacrificed, but responds truthfully to any queries about it from staff. This approach will be continued with this salary sacrifice scheme.
14. All quotations include early termination cover should an employee resign or be made redundant from the company prior to the end of the term. However, this insurance does not cover the first six months of the lease which leaves the possibility that the council will incur a debt if an employee leaves and does not pay the early termination charge for which they are liable. Overall, this is viewed as a small risk as in practice this has not happened yet in North Yorkshire County Council. Any risk will be reduced by introducing some restrictions into the scheme. For example, only allowing those who have passed their probation to apply; seeking to transfer the car to another employee to avoid an early termination charge at all; by ensuring that managers are aware of the need to be prompt in informing payroll of a leaver, so that any monies owed can be deducted from a final salary.
15. LGPS Regulations do not permit the employee or employer to make pension contributions on the amount sacrificed. However, if these contributions are not made over the three year lease then there would be a short fall in the pension scheme. The pension team have reviewed this risk and view it as a medium and long-term risk. Details of their modelling are at Appendix A. Following Pension advice, the Council will continue to pay into the pension fund the value of employer contributions on the amount sacrificed. This will be done in a way that the pension fund officers advise is most suitable. In order to reduce the risk of a shortfall in the pension fund from not having the employee contribution, Wiltshire Council will use the savings from NI (outlined below) to contribute as necessary to the pension fund in a way the pension officers advise is most suitable.

16. Sacrificing an element of an employee's salary could impact on other elements of an individual's welfare and benefits, both within employment and without and Wiltshire must ensure that employees are as informed about any personal financial impact as possible. Frequently Asked Questions (FAQs) will be available to all those interested in joining the scheme, clearly communicating what needs to be considered. North Yorkshire County Council's FAQs are at Appendix B for information.
17. All staff who choose to have a car through salary sacrifice will sign an amendment to their contract to agree to reduce their salary. As such, if the council wants to remove the scheme, it would need to consult to amend the contract of each employee who is in the scheme.

### **Financial considerations**

18. It is anticipated that the salary sacrifice scheme can be introduced within existing day-to-day budgetary provision.
19. Through the council not having to pay NI on the sacrificed amount it is anticipated that the salary sacrifice scheme will generate net savings of approximately £180 - £300 per annum per car, depending on what type of car is chosen. Take up is projected to be in the region of 2-5% of staff in year 1-2; and 8% in year 3. North Yorkshire is currently on target to reach 2% by the end of their first year. With a take up of 2% of non schools staff this could be approximately £18,000 - £30,000 in NI savings per year.
20. Internal administration will be minimal as the scheme will be administered by Tusker. The cost of internal administration has been modelled taking into account feedback from all stakeholders involved. Finance has approved our approach to this modelling which is at Appendix C. Internal administration will be offset by the savings on National Insurance outlined above, or through the introduction of an administration fee for the employee.
21. Any savings generated from not paying NI on the sacrificed amount will be used to reduce the loss to the pension fund of employee contributions. Using the minimum and maximum range of NI savings outlined above, with an admin fee of £5 per month for the employee, the impact on the pension fund ranges from a £3000 deficit to a £8500 saving. Using an average NI saving the scheme is cost neutral to the council, with no adverse impact on the pension fund.

### **Recommendations**

22. The Staffing Policy Committee is recommended to agree the introduction of a Salary Sacrifice Scheme for cars using the Pan Government Collaborative Framework Agreement operated by Tusker Direct, with the aim of implementing the scheme by the beginning of the next financial year (April 2011).
23. The Staffing Policy Committee is recommended to agree that national insurance savings are used, as needed, to offset the loss of employee pension contributions.
24. The Staffing Policy Committee is recommended to agree that a notional salary is kept for the same elements of pay that the Childcare Voucher Scheme keep a notional salary for.
25. The Staffing Policy Committee is recommended to agree that the Salary Sacrifice Scheme for Cars is marketed as a 'Green Car Scheme'.

**Barry Pirie**  
**Service Director**  
**HR and Organisational Development – Resources**

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Report Author: Claire Parr – Senior Project Officer – Pay Harmonisation Team

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## APPENDIX A: Salary Sacrifice & Pensions

### Assumptions

- \* Pay rises of 2.5% per year (in line with inflation)
- \* Member is full-time (for simplicity)
- \* Employer Contribution rate is theoretical future service rate from 2010 Valuation (16%)
- \* Employee Contribution rate (based on salary b 6.5 (6% is the average across the scheme, but maybe higher if the average salary of participants is higher)
- \* Monthly deduction for lease scheme = £300
- \* Stays in lease scheme for 3 years
- \* Member uses pay protection (average of three years salaries from last 13, with inflation added) to negate the negative effect on their pension remuneration

An Average Member	Year 1	Year 2	Year 3	Salary	Rate
Nominal Salary	£30,000	£30,750	£31,519	0	5.5
Nominal Employee Conts	£1,950	£1,999	£2,049	12601	5.8
Nominal Employer Conts	£4,800	£4,920	£5,043	14701	5.9
				18901	6.5
Actual Salary	£26,400	£27,150	27919	31501	6.8
Actual Employee Conts	£1,716	£1,765	£1,815	42001	7.2
Actual Employer Conts	£4,224	£4,344	£4,467	78701	7.5
Difference in Salary	£3,600	£3,600	£3,600		
<b>Difference in Employee Conts</b>	<b>£234</b>	<b>£234</b>	<b>£234</b>		
Difference in Employer Conts	£576	£576	£576		
Total Difference in Conts	£810	£810	£810		

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## **FAQs**

### **Q – What is it all about?**

**A** - This new scheme enables staff to be provided with a new low emission car of their choice, fully maintained and insured by the provider. Staff will pay for the car under salary sacrifice arrangements through a monthly gross salary deduction (where applicable) which means a saving in tax, NI and pension for any employee using the scheme.

### **Q – Why are we doing it?**

**A** – It is our intention to improve the staff benefits available on Everybody Benefits and help staff to save money on everyday costs. Additionally all local authorities are required to reduce carbon emissions for their areas. NYCC is working hard at this with lots of initiatives such as the use of innovative technology to reduce energy consumption in Council properties and dedicated school carbon reduction officer works with schools to improve energy efficiency and educate future generations. For more details on reducing emissions contact [ppu@northyorks.gov.uk](mailto:ppu@northyorks.gov.uk). The 'green' issue is important to us all and as a responsible employer we should do everything possible to reduce emissions. We live in an extremely rural county with limited public transport options for many of us resulting in the car being the preferred option for both commuting and work mileage. If a proportion of the Council's staff switch to low emission cars for personal and work related miles, this would make an impact on the carbon emissions in the County.

### **Q – What is salary sacrifice?**

**A** – A salary sacrifice happens when an employee gives up the right to receive part of the cash pay due under his or her contract of employment. Usually the sacrifice is made in return for the employer's agreement to provide the employee with some form of non-cash benefit. The 'sacrifice' is achieved by varying the employee's terms and conditions of employment relating to pay. Salary sacrifice is a matter of employment law, not tax law. Where an employee agrees to a salary sacrifice in return for a non-cash benefit, they give up their contractual right to future cash remuneration.

In our other tax efficient schemes, childcare vouchers and bikes to work your gross salary deductions do not effect your pension contributions however in this instance they do. So you save tax, NI and pension contributions on the sacrificed amount. This however, has implications on your future pension and for further information see below. Further you should satisfy the criteria for approval which is limited by salary and length and type of contract (see below for qualifying rules)

**Q - Is this scheme only for staff who undertake official mileage on behalf of their job?**

**A** – No. This is a car for you and your family to use. Whether you do any miles or not for your job you can still apply for a salary sacrifice lease car.

**Q – Do I qualify?**

**A** – Providing you satisfy the criteria for contract (i.e. be in a substantive post with a regular pattern of work, permanent over the period of the scheme) and salary amount (an employee will not be able to reduce their taxable salary to a rate below the prescribed National Minimum Wage rate i.e. so that their new rate of taxable pay would equate to less than the hourly legal minimum wage)

The qualifying criterion is dependent upon the section or team not being subject to any reorganization or review. Assistant Director level will determine the final approval of the order.

**Q – Who would not qualify?**

**A** – Staff who would not qualify to take part in the scheme are detailed below:

- Salary sacrifice cars are not available to staff on teachers pension scheme however we have the Affinity Scheme which will allow this population to acquire a car through net salary deductions.
- Members will not be entitled to enter a salary sacrifice arrangement. Other arrangements will be looked into.

**Q - Do employees have to be in full time employment to be eligible for Salary Sacrifice?**

**A** - No, however employees will be unable to participate in the scheme if this will result in their salary falling below the National Minimum Wage.

**Q – What do NYCC get out of this?**

**A** – Other than the ‘green’ issues highlighted previously you will all be aware NYCC introduced Everybody Benefits to provide a flexible benefits scheme which continues to develop the offerings to staff to help staff gain savings and discounts on their everyday expenditure. We save employers NI from your sacrificed salary. This will be used to cover the costs of operating the scheme and continue to fund the continued development of the Everybody Benefits scheme.

**Q - What is the HMRC's view on Salary Sacrifice for Cars?**

**A** - HMRC view this arrangement as an employment law rather than a tax law matter, as you are free to agree a change in your remuneration with your employer. Entering into this arrangement is in essence the same as agreeing to a reduction in your salary. To fall within the tax break HMRC will want to establish that a change in salary is "permanent" meaning that any change must be for a minimum 12 month period. In addition you must also agree to sacrifice your salary before you take delivery of your car. You will be liable for Benefit In Kind Tax (BIK) as the scheme operates as a Company Car Scheme, however choosing lower CO2 vehicles will normally outweigh this tax and make the tax savings under the scheme particularly beneficial.

When reviewing the vehicles available to you through our online system you will easily be able to identify the vehicles with the most effective tax savings and lowest BIK.

**Q - Is there a maximum level of my salary I can sacrifice?**

**A** - No, however your Company Policy and consideration to the following state benefits needs to be considered:

- any pension scheme being contributed to (in particular this may be important if nearing retirement and a final salary pension scheme)
- entitlement to contribution based benefits like a State Pension
- entitlement to earnings related benefits like Maternity Allowance
- entitlement to work related payments like Statutory Sick Pay

**Q – I'm in the Local Government Pension Scheme (LGPS). What effect does this salary sacrifice have on my future pension?**

**A** - For the period during which your taxable pay is reduced as a result of the salary sacrifice arrangement your pensionable pay will also be reduced. If this occurs during the years up to your date of leaving or retiring the pensionable pay used in the calculation of benefits will be reduced.

When taking out a salary sacrifice arrangement you will need to consider whether you are likely to leave or retire either during the period while the lease car arrangement is in place or shortly after it ceases. If you will not continue in employment for at least 12 months after the end of the salary sacrifice arrangement your pensionable pay may be reduced.

If the pay we use to work out your pension benefits is reduced it will mean that all of your benefits will be reduced which will include your pension, lump sum retirement grant, spouse's or partner's pension plus any lump sum death grant.

So, if you are planning on retiring or leaving within the next 3 years, and are a member of the LGPS, this scheme is probably not for you. You should also bear

in mind that unexpected events e.g. ill health or forced move can occur during the salary sacrifice period and may have a detrimental effect on pension benefits. More detail and information will be provided personally before the lease is taken up but in the meantime, you might like to discuss with your financial adviser or contact the North Yorkshire Pension Fund on [pensions@northyorks.gov.uk](mailto:pensions@northyorks.gov.uk) for personal fund information or [sue.giffin@northyorks.gov.uk](mailto:sue.giffin@northyorks.gov.uk) for general queries.

Worked examples of how entering the Green Car Salary Sacrifice Scheme can be downloaded under the 'Scheme Policy' section of the Green Car Salary Sacrifice Scheme website and will also be emailed out to you when you order your new vehicle. As part of this process, you will be asked to confirm that you understand any potential impact there may be on your pension by taking a Green Car Salary Sacrifice Vehicle.

**Q – What is the impact on my redundancy payment (should this arise)?**

**A-** As in other salary sacrifice arrangements for redundancy purposes, in the event of redundancy, your redundancy payment will be based on your gross salary prior to any salary sacrifice arrangement.

**Q – What are the savings I could expect to see when comparing to a garage purchased lease car?**

**A-** The exact savings will be dependant upon individual circumstances and the car that is selected. Savings are made by the manufacturer offering the lease company a discount when they finance the vehicle. These discounts are passed to you. Salary sacrifice saves you 20% tax (40% if salary over £37,400), 11% on NI and pension (between 5.5% and 7.8%). Additionally there are no upfront payments or a credit check required (which will be required in a garage deal). To offset these savings your tax code will change in line with the benefit in kind received (outlined above). It is difficult to put a % saving however taking everything into account it is highly unlikely that you'll be able to better the scheme by doing it yourself.

**Q – What am I paying for if I take a Green Car Salary Sacrifice vehicle?**

**A –** The new Green Car Salary Sacrifice Scheme is an all-inclusive motoring offering including:

Finance of the vehicle itself

Maintenance of the vehicle including all servicing, batteries, exhausts and tyres under normal wear and tear conditions. Exclusions include glass (other than light bulbs) and driver damage.

Fully comprehensive insurance including all business travel from a choice of three major High Street Insurers. The excess for the insurance policy is £250

Gap Insurance - In the event of a total insurance loss to a vehicle (accident, fire or theft), this will pay the difference between the motor insurer's settlement figure and the finance agreement termination charge

- Maximum benefit payable is £4,000

Early Termination Insurance (ETI) with a 6 month exclusion period - This protects you against certain penalty charges incurred as a result of closing a Contract Hire agreement early (after the first 6 months) due to you leaving NYCC and returning a vehicle as a result of:

- The Employee voluntarily resigning from their Employer
- The Employee's Employer transferring the Employee's place of work to a location outside the Territorial Limits of the Policy
- The Employee's driving licence being withdrawn for medical reasons by the issuing Authority
- The death of the Employee
- The Employee or their spouse or common-law partner suffering Terminal Illness
- The Employee or their spouse or common-law partner suffering Disablement or Mental Illness
- The Employee losing their sight
- The Employee suffering physical separation of one or more limbs at or above the wrist or ankle

Provided the termination is a direct result of any of the above conditions and the Vehicle is returned to the Leasing Company Maximum benefit payable is £4,000

Termination charges recoverable should the contract be terminated early due to resignation:

- Resignation in the first six months (full early termination charge)
- Resignation charges of the equivalent of 3 months payments if resignation takes place between 7 and 18 months
- Resignation charges of the equivalent of 2 months payments if resignation takes place between 19 and 24 months
- Resignation charges of the equivalent of 1 month payment if resignation takes place between 25 and 36 months
- Maximum sum insured is £4,000

Employers Class 1A NI – this charge is to cover the charge made on NYCC to provide this car to you under this 'company car' scheme.

Annual Road Fund Licence - This will be organised and sent to you at each renewal period.

Roadside Assistance (Homestart & Recovery UK & European Cover)

**Q – What benefit do staff receive?**

**A** – Large employers are able to receive excellent discounts from car manufacturers when either purchasing or leasing vehicles. This scheme enables staff to take advantage of these discounts, together with savings on tax, NI and pension to bring you a really fantastic deal. The choice of vehicle is yours (restricted to vehicles sub 120 g/km), maintenance and insurance are included and the price fixed dependant upon the number of miles you wish to do.

**Q – Why restrict the choice of vehicle?**

**A** – NYCC is committed to reducing CO2 output from vehicles used on business mileage and in commuting to work. Because this scheme is aimed at improving CO2 emissions we have determined that the upper limit of emissions is 120g/km or below. The Government has used this limit to determine a preferential benefit in kind tax (further information regarding Benefit in Kind can be found within this document) and an annual car tax disc of £35 and as a result more and more manufacturers are introducing low emission cars into their offerings.

**Q - What vehicles attract the best savings?**

**A** - Due to the current Benefit-in-Kind legislation the most cost effective vehicles on the scheme are those that have a CO2 rating of less than 120g/km. (BMW 118d, Mini 1.4d, Toyota Aygo, Toyota Yaris, etc). There may also be the opportunity to take advantage of certain Manufacturer incentives on certain vehicles.

**Q – What is a benefit in kind?**

**A** - HMRC determine that organisations can make ‘in kind’ payments to employees which are not taxed at source but are considered a payment for tax purposes. Company cars are a prime example for this. This salary sacrifice scheme is considered a company car for tax purposes even though you are paying for it. It therefore attracts a percentage of tax determined on the cost of the vehicle (P11d price). This tax charge (which is based on the low CO2 emission) is either 10% (petrol) or 13% (diesel) and is extremely favourable in comparison to higher emission cars.

**Q – What mileage rate will I receive if I do any official miles in the salary sacrifice car?**



**A** – Your mileage rate will match the authority's mileage rates however because the car is classed as a company car for tax purposes you will pay tax and NI on the profit over that which the HMRC consider to be paid to this class of vehicle currently.

**Engine Size (cc) Petrol Diesel**

1400 or less	11ppm	11ppm
1401 to 2000	14ppm	11ppm
over 2000	20ppm	14ppm

E.g. Mileage rate 47ppm less 11ppm = 37ppm profit x 20% tax = 7.2ppm plus NI @ 11.8% = 4.2ppm, leaving 35.6ppm

**Q – I've got an existing car, what options have I got?**

**A** – There are a number of choices:

- Firstly you could keep the car and salary sacrifice a second vehicle
- You can sell the vehicle privately yourself.
- You could see if a garage would buy the car from you.
- Tusker will dispose of the vehicle on your behalf. Please see below for details.

**Q – I would like Tusker to dispose of my current vehicle – what do I need to do?**

**A** – Tusker has teamed up with G3 Remarketing to provide a commitment-free vehicle valuation and disposal service, and has negotiated a discounted rate of just £199+VAT to assist you in selling your vehicle should the free of charge valuation match your expectations. This charge covers the collection, valet and sale of your vehicle. For more information, or to receive your free vehicle valuation, please visit [www.g3remarketing.co.uk/tuskervaluations](http://www.g3remarketing.co.uk/tuskervaluations) or call **0845 190 6363**

**Q – What happens if Tusker cannot sell my vehicle?**

**A** – G3 Remarketing will inform you if the vehicle does not sell and suggest the different options available to you. This may include lowering the reserve price being asked. Remember though, this is your decision and the vehicle can be returned to you for you to then sell privately. In this case the only fees you will pay are the initial collection and delivery costs.

**Q - Who is responsible for arranging servicing of the vehicle?**

**A-** Whilst you do not pay separately for servicing as it is covered in the scheme, you are responsible for ensuring that the Manufacturer's recommended servicing schedule is adhered to and it is imperative that you do so to ensure that the warranty is not invalidated and avoid incurring any additional charges. It is likely that for insurance services to remain valid the first and subsequent service of the vehicle must not be exceeded by more than 1000 miles or 14 days.

**Q - What happens when the car needs a service?**

**A -** The cost of maintenance is included in the monthly rental. You simply call the Driverline on **0871 955 5350** or log onto the Everybody Benefits website (selecting Green Car Salary Sacrifice) and navigate to the online service booking functionality and we will arrange to have the vehicle collected from your place of work or home, serviced and returned.

**Q- What happens if my car needs new tyres?**

**A –** The cost of tyres is included in the monthly rental. You simply call the Driverline on **0871 955 5350** and they will either direct you to the nearest nominated tyre centre or arrange for a nominated mobile unit to visit you to replace your tyres.

**Q - What happens if the car breaks down?**

**A –** The cost of UK and European roadside assistance is included in the monthly rental so whether you breakdown at home, at the office or anywhere in Europe you are covered.

**Q - What happens if I do more than the contracted mileage?**

**A -** When you choose your vehicle you have the opportunity to choose the annual mileage. If during the term you wish to change the mileage to more accurately reflect the actual mileage the supplier should be able to accommodate this. If you return your vehicle with more than the contracted mileage you will be liable for an excess mileage charge to cover the expense of the additional depreciation and servicing costs that will have been incurred because of the additional mileage.

**Q - What happens if I decide I don't want the vehicle any longer?**

**A -** You are committing to the term of the contract (3 years). If you do decide you no longer want the vehicle you can obtain an early termination quotation at any time during the term of the contract but you will be responsible for the cost.

**Q - What happens if I resign?**

**A** - If you resign your employment during the scheme period you will be liable for an early termination charge to exit the scheme. We have included Early Termination Insurance within the scheme however, it is important to note that there is a 6 month exclusion period. I.e. if you resign within the first 6 months of the contract you will be liable for any early termination costs associated with returning your car early (Maximum cover is £4,000 and is in addition to the excess). This will be based upon the term covered and therefore remaining and will be subject to minimum amounts. The Early Termination Excess for termination after 6 months is calculated as follows:

- 7-18 months = 3 months rentals
- 19-24 month = 2 months rentals
- 25-36 months = 1 month rental

**Q – What happens if there are redundancies?**

**A-** The amount payable per month includes Redundancy Insurance – an amount (£4,000 maximum) to cover the unexpected issues of Redundancy. This limits the exposure when terminating the contract before the end of the period.

**Q - Who is responsible for the payment of any fines incurred on the vehicle or any vehicle provided whilst the primary vehicle is off the road?**

**A** - Any parking, congestion charges or fines incurred by you whilst using the vehicle will be your responsibility.

**Q - If my vehicle is involved in an accident and the insurance company declares the vehicle as beyond economic repair, does the insurance cover any shortfall between the insurance settlement figure and the leasing company's valuation of the vehicle?**

**A** - The monthly cost includes GAP insurance which ensures there is no shortfall for you to pay in the event of your vehicle being declared a total loss. (Subject to a maximum sum insured of £4,000).

**Q - What effect will the scheme have on my Working Tax Credit or Child Tax Credit?**

**A** – In principle a company car benefit in kind is considered earnings for the purposes of Working Tax Credit therefore if you are claiming tax credits, please refer to your local Working Tax Credit office. If you are not sure whether to take advantage of this scheme because of the impact on your tax credits, call the Tax Credits Helpline.

**Q - Do I have to provide proof of no claims bonus for the motor insurance policy?**

**A** – No the policy is net rated. That means that everybody who can meet our criteria is given the discount equivalent to maximum bonus. If you already have maximum bonus then you can keep it to use on another car. When you come to the end of your selected term we will be happy to confirm your no claims bonus for the period you have been with us. You are free to add that to your existing bonus or keep it separate to use on another car.

**Q - Can I take my car abroad?**

**A** - Your car insurance includes full cover for European travel. If you wish to take your car to Europe many insurance providers will require you to inform them of the dates you are travelling. Failure to do so can reduce your cover to Third Party Fire and Theft. You will also need to contact Tusker to arrange a VE103 as authorisation to take the vehicle abroad at a cost of £10.00 and is valid for 12 months.

**Q – Can I use the car to teach my children to drive?**

**A** – Yes, but as with any insurance quote, adding 17/18 year olds will dramatically increase the insurance element of the quote.

**Q - Can I get an automatic car?**

**A** - Yes, there are a number of automatic vehicles available, for further information please contact us at [nycc@ss4c.com](mailto:nycc@ss4c.com) or call **0871 995 5300**.

## APPENDIX C: Estimated Administration costs of Salary Sacrifice Scheme

Task	Owner	Estmiated time	frequency	per year (hours)	Estimated cost	Who?
<b>Set up costs (one off)</b>						
Setting up access agreement with North Yorkshire and Tusker Direct.	Procurement	7.5 hours	Once	8	155.91	Senior Prcouement Officer
	Legal	7.5 hours	Once	8	209.14	Senior Contract Solicitor
Set up administration - dealing with driver queries, developing systems to handle issues etc	Fleet	10 mins	each lease (100)	17	199.93	Fleet adminstrator
Set up administration - setting up roadshows, agreeing paperwork	Fleet / HR	4 hours	Once	4	47.98	Fleet adminstrator
<b>One off Subtotal:</b>					612.97	
<b>Each lease - once</b>						
Order request needs approval eg not below minimum wage, not within probation, not on fixed term contract etc	Fleet with payroll input	15 mins	each lease (100)	25	299.89	Fleet adminstrator
Amend employee records when start the scheme	payroll	15 mins	each lease (100)	25	362.51	Senior Payroll Practitioner
Ensure employee has signed the lease agreement	Fleet	10 mins	each lease (100)	17	241.67	Fleet adminstrator
P46 - click on electronic form from Tusker and details are there for completion	payroll	2 mins	each lease (100)	3	48.33	Senior Payroll Practitioner
<b>Each year Subtotal:</b>					952.40	
<b>Ongoing costs</b>						
Possible debt recovery if employees leave within first six months (resignation, redundancy, gross misconduct)	payroll	10 mins	2 per year	0	6.93	Team Leader
	exchequer	35 mins	2 per year	1	15.42	Account Manager
Administration of additional monthly costs (eg fines, glass, misuse of car). Driver to pay, but WC needs to recharge	Fleet	30 mins	3 per month	18	215.91	Fleet Administrator
Adminstration of P11Ds - form from Tusker?	payroll	20 mins	per car (100), each year	33	532.49	Performance reporting and master data Senior Practitioner
<b>Subtotal</b>					770.76	

**Estimated Year 1 costs (100 cars & including set up):** 2,336.13

**Estimated year 2 costs (100 cars):** 2,255.66

**Estimated year 3 costs (400 cars):** 7,957.63

## APPENDIX C: Estimated Administration costs of Salary Sacrifice Scheme

### Assumptions

All 5000 non-school staff are eligible to take up the scheme.

Projected take up is 2% of 5000 staff per year for year 1 & 2 and 8% of 5000 staff for year 3.

30% oncosts added to the salaries below; 15% market plussage added to Senior Contract Solicitor.

### Salaries:

Senior Procurement Officer	£30,851
Senior Contract Solicitor	£40,000
Fleet Administrator	£17,802
Payroll Practitioner	£21,519
Performance Reporting Master Data Senior Practitioner	£23,708
Team Leader	£30,851
Account Manager	£19,621

## WILTSHIRE COUNCIL

### STAFFING POLICY COMMITTEE

16 December 2010

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### **ABSENCE MANAGEMENT POLICY AND PROCEDURE**

#### **Purpose of Report**

1. This report presents the updated absence management policy and procedure for all employees apart from school teachers and non-teaching staff appointed in accordance with the Schools Standards and Framework Act 1998 and the Education Act 2002.

#### **Background**

1. The content of the updated absence management policy and procedure is largely based on the previous Wiltshire Council policy launched in 2009.
2. The use of the policy and procedure has highlighted the need for clarification in its application.
3. Human Resources aims to create policies which are consistent in format, easy to read and understand and are fit for purpose. This policy is in the new format which supports these aims.

#### **Main Considerations for the Council**

4. In amending the policy key stakeholders were consulted including legal, HR management stakeholder panel, occupational health, the BME and disability staff forums and the unions.
5. The main changes to the absence management policy and procedure have been:
  - Formatting the policy in line with the new policy template.
  - Simplifying some of the language to make it clearer and easier to understand.
  - Structuring the policy and procedure to follow separate processes for managing short term and long term sickness absence. These separate processes have been split into clear stages.
  - Amalgamation of all supporting documents into one policy and toolkit document that provides links to relevant forms, FAQs, supporting documents including flowcharts and to associated policies.
  - The inclusion of sickness allowances within the policy
  - The addition of a disability leave provision
  - The addition of information regarding medical suspension
  - Clarification regarding time taken to attend medical appointments

- Clarification on ill health redeployment and retirement
- Clarification regarding HR, line manager, employee and occupational health requirements
- The appeal arrangements in the existing policy have been removed and the revised policy and procedure will now follow the one appeals policy and procedure

### **Environmental Impact of the Proposal**

6. None.

### **Equalities Impact of the Proposal**

7. An Equalities Impact Assessment was undertaken on 17 September 2010 and no negative impacts were identified. The policy and procedure has been amended to provide guidance for managers on making reasonable adjustments.

### **Risk Assessment**

8. None

### **Options Considered**

9. None.

### **Recommendation**

10. To recommend Staffing Policy Committee approve the revised absence management policy.

**Barry Pirie**  
**Service Director**  
**HR & OD**

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Report Author: Laura Butcher, Human Resources Policy & Reward team

**The following unpublished documents have been relied on in the preparation of this Report:** None



## Wiltshire Council Human Resources

### Absence Management Policy and Procedure

This policy can be made available in other languages and formats such as large print and audio on [request](#).

#### What is it?

The policy and procedure covers the management of health and sickness issues.

It covers the responsibilities of managers and employees in promoting good health and in managing both [short term](#) and [long term](#) sickness absence.

This policy applies to the management of both paid and unpaid sickness absence.

#### Go straight to the section:

- [who does it apply to](#)
- [when does it apply](#)
- [when does it not apply](#)
- [reporting sickness](#)
- [return to work interview](#)
- [trigger points](#)
- [managing short term sickness absence](#)
  - [Stage 1 – first formal sickness advisory meeting](#)
  - [Stage 2 – second formal sickness advisory meeting](#)
  - [Stage 3 – third formal sickness advisory meeting](#)
  - [Stage 4 – formal attendance hearing](#)
- [managing long term sickness absence](#)
  - [Stage 1 – first formal sickness advisory meeting](#)
  - [Stage 2 – second formal sickness advisory meeting](#)
  - [Stage 3 – third formal sickness advisory meeting](#)
  - [Stage 4 – formal attendance hearing](#)
- [appeals](#)
- [non-attendance at sickness absence meetings](#)
- [disability and sickness absence](#)
- [disability and time off to attend medical appointments](#)
- [accessing and maintaining sickness records](#)
- [injury/ill health through work activities](#)
- [third party claims](#)

- [medical suspension](#)
- [holiday entitlement during sickness absence](#)
- [sick pay entitlement](#)
- [medical appointments](#)
- [medical advice](#)
- [roles and responsibilities](#)
- [FAQs](#)
- [definitions](#)
- [equal opportunities in absence management](#)
- [further advice and information](#)

There is also a [toolkit](#) including letter templates and manager guidance to use when following this policy.

### **Who does it apply to?**

This policy and procedure applies to all Wiltshire Council employees apart from school teachers and non-teaching staff appointed in accordance with the Schools Standards and Framework Act 1998 and the Education Act 2002.

In matters which involve the chief executive, corporate directors and service directors this policy must be read in conjunction with their JNC terms and conditions of employment and [Wiltshire Council's Constitution](#)

### **When does it apply?**

This policy and procedure applies where you are absent from work for a health-related reason and includes being off sick for both frequent short periods or long periods of time.

### **When does it not apply?**

This policy and procedure does not apply in cases of poor performance where your performance is not up to the standard required in the role. In this case the capability policy and procedure should be used. The capability policy and procedure should also be used if you have a disability or health issue which is affecting your work but you are not off sick.

### **What are the main points of the policy and procedure?**

Reporting sickness

1. If you are unable to attend work because of illness, you must notify your manager or their nominee as early as possible and within the agreed time set for your department on the first day of your illness. If you are physically able you should telephone them providing details of the nature of your illness and the likely duration.
2. It is not acceptable to send a text/email or leave a message with a work colleague.
3. Your manager will maintain regular contact with you throughout the period of absence and you should be available/contactable during your normal working hours.
4. From the 8th calendar day (including weekends and non-working days) of your sickness absence onwards you are required to submit a medical statement of fitness for work (fit note), signed by a registered doctor and with a reason for absence. The fit note may explain that you are not fit for work or if you are fit for work it may indicate whether you are able to carry out certain aspects of your role.
5. Further information on [how to report sickness](#) can be found in the toolkit.
6. If you are absent from work for no apparent reason this will be classed as an unauthorised absence.
7. If you fail to comply with the sickness reporting procedures this will be viewed as unauthorised absence and therefore treated as misconduct and will be investigated in line with the [disciplinary procedure](#). Failure to comply includes:
  - failure to notify your manager of any sickness absence
  - failure to supply a fit note on the 8<sup>th</sup> day of sickness absence and over covering the period of absence. This may lead to the withholding of pay. A backdated fit note cannot be accepted unless in exceptional circumstances.

#### Return to work interview

8. After each and every episode of sickness absence you will have a return to work interview with your manager as early as possible on the day that you return. At this meeting your manager will complete the [return to work interview form](#) to record the discussions and any issues raised. These should be kept by your manager for a period of 12 months.

9. The aim of this meeting is to enable your manager to identify any factors that might be contributing to your absence and any preventative measures or support required.
10. Where your manager identifies a clear pattern of sickness absence or where there is a cause for concern you will be referred to occupational health for advice.

#### Trigger points

11. Your manager may take action at any point regarding your sickness absence if they feel it is causing concern but they are required to take action if you reach the agreed trigger points set out in this policy and procedure.
12. For the purpose of managing absence using trigger points, an episode includes (but is not limited to) the following:
  - you are feeling unwell at work and go home ill after lunch. The afternoon will be recorded as sickness absence
  - you are feeling unwell in the morning and do not attend work until later that morning. The time before attending work will be recorded as sickness absence
  - you are feeling unwell and inform your manager that you will not be attending work for the day. The day will be recorded as sickness absence
13. If you are covered by the Disability Discrimination Act trigger points will be treated on a case by case basis. Your manager will review your case and discuss with HR for appropriate action.

#### **Short term sickness absence**

14. Short term sickness absence is defined as absence where there are frequent short periods of absence. Examples include (but are not limited to) viral illnesses such as colds and flu.
15. Trigger points for this sickness absence are:
  - 4 periods of absence over a 6 month period. Part days or hours of absence will be treated as an episode OR
  - absences of 10 or more working days off work over a continuous 12 month period

Stage 1 – first formal sickness advisory meeting

16. If your manager has concerns about your absence or you meet the trigger points stated above, they will arrange to meet with you to discuss your absence.
17. Your manager will discuss with you the need for a referral to occupational health. The referral will ensure that you have an opportunity to discuss your health in confidence with a health professional and any underlying health causes are identified. Your manager will liaise directly with occupational health and complete the [occupational health referral form](#).
18. You will be required to make yourself available for an assessment with occupational health either face to face or by telephone. If the date/time of appointment provided by occupational health is not suitable you should contact them to arrange an alternative. If you fail to co-operate with the occupational health referral process, a decision may be made by your manager based upon the available information.
19. Occupational health will provide a report to your manager to advise them whether there are any underlying health causes relating to your absence. The report will contain advice regarding whether you are fit to return to work, your ability to maintain required levels of attendance and the likely timescales for these to be achieved.

#### Stage 2 – second formal sickness advisory meeting

20. You will be invited to attend a meeting with your manager to discuss the occupational health report and to determine how you can achieve an acceptable level of attendance and if appropriate set a review period (between 6-12 weeks) for improvement.
21. Your manager will outline the consequences of failing to make an improvement which may lead to any of the sanctions of the disciplinary policy and procedure including dismissal.
22. You will be informed of the [outcome of the meeting](#) in writing and if a review period has been set, the letter will also confirm this period with you and the date of the review meeting.

#### Stage 3 – third formal sickness advisory meeting

23. You will be invited to attend a meeting at the end of the review period to discuss your case and whether you have made the required improvement in attendance.

24. If you have made the required improvement the formal process will cease providing there is no repetition of poor attendance at work without an underlying health reason within the next 12 months.
25. If you have failed to make the required improvement and attendance has not been satisfactory your manager will decide whether to extend the review period for 1 month or advise you that a formal attendance hearing will be set up.
26. If you have made the required improvement during the review period but have subsequently had a repetition of sickness absence without an underlying health cause within a 12 month period, your manager will decide whether to put in place a further 3 month review or arrange a formal attendance hearing.
27. You will be informed of the outcome of the meeting in writing and if applicable notified that your case will progress to a formal attendance hearing.

#### Stage 4 – formal attendance hearing

28. You will be required to attend a formal attendance hearing if you have failed to make the required improvements in your attendance or have subsequently had a repetition of a period of short term absence within 12 months.
29. You will be given 10 working day's written notice of the hearing and you will have the right to be accompanied.
30. The formal attendance hearing will be chaired by a service director or their nominee.
31. A letter confirming the decision will be sent to you within 5 working days of the meeting.
32. The outcome of the formal attendance hearing may result in any of the sanctions of the disciplinary policy including dismissal.

#### Appeals

33. You have the right to appeal in accordance with the council's appeals policy and procedure.
34. You must state in your appeal form the reason for your appeal i.e. whether you wish to appeal against the finding of misconduct, capability and/or the form of action decided upon.

### **Long term sickness absence**

35. Long term sickness is defined as absence where there is a longer period(s) of absence. It usually occurs with a higher number of days of sickness absence but over few episodes. Examples include (but are not limited to) significant medical conditions such as clinical depression, back conditions/injuries, multiple sclerosis, and breaks or fractures to bones.
36. Trigger points for this sickness absence are:
- if you have 28 days continuous absence (including non-working days and weekends) with no immediate or known prospect of a return to work
  - a serious and potentially long-term illness or injury is reported (e.g. back injury, clinical depression or stress)
  - it has been reported that the absence is due to identifiable work-related issues

#### Stage 1 – first formal sickness advisory meeting

37. If your manager has concerns about your absence or you meet the trigger points stated above, they will arrange to meet with you to discuss your absence.
38. Your manager will discuss with you the need for a referral to occupational health. The occupational health referral will ensure that you have an opportunity to discuss your health in confidence with a health professional and any underlying health causes are identified. Your manager will liaise directly with occupational health and complete the [occupational health referral form](#).
39. You will be required to make yourself available for an assessment with occupational health either face to face or by telephone.
40. If the date/time of appointment provided by occupational health is not suitable you should contact them to arrange an alternative. If you fail to co-operate with the occupational health referral process, a decision may be made by your manager based upon the available information.
41. Occupational health will provide a report to your manager to advise them whether there are any underlying health causes relating to your absence. The report will contain advice regarding whether you are fit to return to work, your ability to maintain required levels of attendance and the likely timescales for these to be achieved.

## Stage 2 – second formal sickness advisory meeting

42. Once your manager has received the occupational health report, you will be invited to attend a second formal sickness advisory meeting to discuss/explore this occupational health advice and the options (stated below) available under the absence management policy and procedure. Options may include:
- option 1 – consideration of a further period of absence/review to enable your recovery
  - option 2 – returning to your existing post (including a phased return)
  - option 3 – returning to your existing post (with reasonable adjustments)
  - option 4 – consideration of redeployment on health grounds
  - option 5 – ill health retirement (provided that criteria are met)
  - option 6 – warning of termination of contract on grounds of capability due to ill health

### Option 1 – further period of review

43. Depending on occupational health advice a further review period of up to 12 weeks may be considered to review progress. This will enable you to seek treatment if required and allow the necessary support or reasonable adjustments to be in place to enable your return to work.
44. A further referral to occupational health may be required to ensure that an up to date assessment of your health can be made and to identify timescales and prospects of a return to work.
45. Your manager, following this review period and occupational health referral (if appropriate) will arrange a further formal sickness advisory meeting to discuss your case and progress with you.

### Option 2 – returning to your existing post (phased return)

46. If you are returning to work in your current post occupational health may advise that this is done on a phased return basis for a period of between 2 – 6 weeks.
47. During formal phased return to work arrangements of up to 6 weeks you will not suffer a financial detriment providing that you adhere to the agreed arrangements and remain at work for the duration of the programme. You will be paid your usual contractual salary and the hours that you are absent from work during the phased return will not



be reflected in your sickness absence record or deducted from your sickness entitlement.

48. If your phased return to work is more than 6 weeks, is unsuccessful or you require a second phased return arrangement in a continuous 12 month period your line manager will discuss with HR how these phased return to work arrangements are supported in terms of paid/unpaid time.

#### Option 3 – returning to your existing post (with reasonable adjustments)

49. Your manager will determine with you whether there are any reasonable adjustments to be made to support you in returning to your post.

#### Option 4 – redeployment on health grounds

50. Based on occupational health advice, it may be necessary to consider redeployment on health grounds. If you are returning to work through redeployment your manager will consider whether this is carried out on a phased return basis for a period of between 2 – 6 weeks.
51. Redeployment on health grounds must be mutually agreed and must only be considered after all the options (listed above) have been explored and determined as unsuitable and that the absence management policy and procedure has been followed.
52. You should complete the redeployment form and follow the redemption process.
53. You will remain in the redeployment pool for a period of up to 12 weeks. If no suitable alternative employment is located, you will be subject to the remaining options stated within the absence management policy and procedure.
54. If you have a condition that falls under the Disability Discrimination Act, the council will explore finding suitable alternative employment with a formal offer before dismissal is contemplated.

#### Option 5 – ill health retirement

55. Where it is not practical for you to return to your existing post with/without reasonable adjustments or redeployed into suitable alternative employment, occupational health may recommend ill health retirement.

56. Occupational health's recommendation for your ill health retirement will be assessed against specific criteria and your eligibility will be assessed by a suitably qualified physician.
57. Occupational health will recommend that you are permanently unfit or unfit for the foreseeable future and are therefore unable to perform the duties of your post.
58. If you belong to the local government pension scheme (LGPS) and have the required length of membership to the scheme then you will be considered for an application for permanent ill health retirement following the recommendation from occupational health.
59. You will need to meet specific criteria set by the LGPS and should refer to the [retirement information](#) on HR Online or seek advice from the pensions service.
60. There is a right of appeal against the occupational health decision for ill health retirement.

#### Option 6 – termination of contract on the grounds of ill health

61. If there are no suitable alternative options (listed above) or you have refused a suitable alternative offer of employment your manager will consider terminating your employment on the grounds of capability due to ill health.

#### Stage 3 – third formal sickness advisory meeting

62. Once all options stated in the absence management policy and procedure have been explored, your manager will discuss your case with you to determine that there are no further suitable alternative options.
63. Your manager will confirm in a written [contemplation of dismissal report](#) their reasons for recommending that your case be heard at a formal attendance hearing.
64. You will be required to attend a [formal attendance hearing](#), chaired by a service director or their nominee to consider your continued employment. The consequences of which may lead to dismissal.

#### Stage 4 – formal attendance hearing

65. You will be required to attend a formal attendance hearing if there is no defined reason for you not returning to work including:

- all alternative options (listed above) are not suitable
  - or you have refused a suitable alternative offer of employment
66. You will be given 10 working day's written notice of the hearing and you will have the [right to be accompanied](#).
67. The formal attendance hearing will be chaired by a service director or their nominee.
68. A letter confirming the decision will be sent to you within 5 working days of the meeting.
69. The outcome of the formal attendance hearing may result in any of the sanctions of the disciplinary policy including dismissal.

#### Appeals

70. You have the right to appeal in accordance with the council's [appeals policy and procedure](#).
71. You must state in your appeal whether you wish to appeal against the finding of misconduct, capability and/or the form of action decided upon.

#### Non-attendance at sickness meetings

72. Whilst Wiltshire Council will take all reasonable steps to assist you to return to work, it is not possible to wait indefinitely for your condition to improve.
73. You should be available for contact from your manager and to attend meetings during your normal working hours.
74. If you fail to attend a sickness meeting, you will be contacted to establish the reason for the non-attendance and you will be informed in writing of the rescheduled meeting.
75. If you fail to attend the re-scheduled meeting or fail to give reasons for your non-attendance the meeting may proceed in your absence. Your case will be referred to occupational health to obtain up to date details of your sickness and a decision may be taken on the basis of the available evidence.
76. If you are absent from work due to stress/depression, the council will look to follow these guidelines as it is in the best interests of all parties to not delay decisions relating to absence.

## Disability and sickness absence

77. The Disability Discrimination Act defines a disabled person as someone 'who has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities'.
78. If you wish to do so, you are able to declare your disability by completing the [disability declaration form](#).
79. Should you feel that you have a disability as defined by the Disability Discrimination Act you should inform your manager who should take specialist advice by contacting an HR advisor.
80. If you are off sick due to your disability/impairment your absence will be recorded (in addition to SAP) by completing the disability leave and sickness form.
81. If you have a disability, Wiltshire Council is required by law to make reasonable adjustments in the workplace. Reasonable adjustments may include (but are not limited to):
  - provision of additional software or equipment such as a special chair, screen or an adapted keyboard
  - allowing a more flexible approach to working hours such as changing start and finish times at work or changing the actual hours of work
  - changing the working environment (e.g. making a door easier to open or changing the height of shelves)
  - providing assistance (e.g. a support worker or a British sign language interpreter)

## Disability and time off to attend appointments

82. If you have a disability as defined by the Disability Discrimination Act you may request to take time to attend an appointment relating to your impairment/disability by completing the [disability leave and sickness form](#). The time off will not be recorded as sickness absence and your manager will record this time taken separately.
83. It is reasonable to authorise up to 20 episodes in a year for time off to attend in an appointment relating to your impairment/disability. This will be agreed based upon business requirements. You will be required to provide your manager with a doctor's note outlining the circumstances.
84. Time taken should be used for appointments or hospitalisation including (but not limited to):

- hospital, doctor or complementary medicine practitioner appointments or treatment
- assessment/tests
- training with guide/hearing/assistance dog
- recovery time after a blood transfusion or dialysis treatment
- counselling/therapeutic treatment

85. For further information please refer to the [commitment to disability at work](#) information on HR Online.

#### Accessing and maintaining sickness records

86. Accurate records are not only mandatory for statutory sick pay but are essential for monitoring sickness/absence. Your manager will be responsible for monitoring sickness absence on an individual and group basis. All information will be processed in accordance with the Data Protection Act 1998.

87. Under the Access to Medical Records Act 1988 it is not possible for occupational health to request a medical report from any doctor who is responsible for your physical or mental health without your consent. You may be required to complete the [access to medical reports consent form](#). If you give this consent you also have the right:

- to see the medical report before it is supplied to occupational health
- to ask the doctor to amend any part of the report which you consider to be inaccurate or misleading
- if the doctor declines to amend the report, to attach a written statement giving your views on its content
- to withhold your consent to the report being supplied

#### Injury / ill health through work activities

88. You have a responsibility for reporting all accidents or incidents at work and any work-related ill health. You should notify your manager and complete the appropriate form:

- for accidents and near misses resulting in injury and where no injury has been sustained must be reported by using the [accident and near miss investigation form](#)
- for incidents of verbal abuse, assault and anti-social behaviour which cause injury or distress must be reported using the [personal incident reporting form](#)

#### Third party claims

89. If you are absent due to an accident or injury involving a third party where damages may be recoverable (i.e. road accidents) you will need to complete the [potential third party claim form](#).
90. In these circumstances, your normal sick pay may be regarded as a loan, pending receipt of damages from a third party. If your claim is successful and you receive damages, you will be required to refund any sickness pay received up to the total sickness allowance paid.
91. Where sickness allowance is repaid, the period of absence will be excluded from the calculation of future periods of sickness allowance.

#### Medical suspension

92. In certain circumstances your manager may be required to suspend you from work on medical/health and safety grounds if they perceive there to be a risk either to you or others.
93. If you return to work and your manager feels that you are unfit to carry out your job role despite you stating that you are fit, they may decide to suspend you on medical grounds.
94. Your manager will discuss their concerns with you and seek advice from HR and occupational health.
95. You have the right to appeal against this decision in line with the grievance procedure.

#### Holiday entitlement during sickness absence

96. You will be entitled to accrue the statutory level of holiday entitlement during periods of sickness absence.
97. If you have a pre-booked holiday or wish to take annual leave during a period of sickness absence, you must inform your line manager so that your sick pay can be suspended. On return from annual leave, sick pay will re-commence.
98. If you are unable to use your accrued holiday entitlement during a period of sickness absence this may be carried over to the next year.
99. If you fall ill during a period of annual leave you may request to reschedule this leave at a later date. You must contact your line manager to confirm your sickness whilst on annual leave and follow the sickness reporting procedures.

#### Sick pay entitlement

100. Entitlement to occupational sick pay is determined by the conditions of employment under which you are employed and your length of service with local government. The maximum payable in any one 12 month period are:

During your 1 <sup>st</sup> year of service	1 month full pay (and after completing 4 months service you will receive 2 months half pay)
During your 2 <sup>nd</sup> year of service	2 months full pay and 2 months half pay
During your 3 <sup>rd</sup> year of service	4 months full pay and 4 months half pay
During your 4 <sup>th</sup> and 5 <sup>th</sup> 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

101. Statutory Sick Pay is paid as part of your sick pay whilst you are in receipt of your full pay entitlement. It is paid in addition to your sick pay when your entitlement reduces to half pay, as long as when the two amounts are added together they do not exceed your normal pay.
102. If you are employed on a temporary contract of less than 13 weeks duration and you have less than 13 weeks continuous service, you will not be entitled to occupational sick pay but may be entitled to Statutory Sick Pay. You should contact the [Department for Work and Pensions](#) (DWP) for further information.
103. If you are a new employee, Statutory Sick Pay may be affected by payments made to you by a previous employer. If you were issued with a leaver's statement form SSP 1(L), you should notify your manager on your appointment with Wiltshire Council. If you fall sick for 4 days or more within the first 8 weeks of employment you must pass this statement to your manager no later than the seventh day of absence.
104. In certain circumstances, Statutory Sick Pay will not be payable by the council. If you are excluded from Statutory Sick Pay, you may be entitled to other sickness benefits. Your entitlement will depend on the national insurance contributions which you have paid, and you should contact the [Department for Work and Pensions](#) (DWP) for further information.
105. If you are on sick leave and in receipt of sick pay you are unable to take paid employment elsewhere (outside of Wiltshire Council). This may result in any of the sanctions of the [disciplinary policy](#) including dismissal.

106. If you hold multiple contracts with Wiltshire Council the nature of your illness will be considered to determine whether you are able to carry out these roles.

#### Medical appointments

107. Every effort should be made to attend medical appointments (i.e. Doctor / Dentist appointments) in your own time. If this is not possible, how this time is taken should be agreed with your line manager.
108. If you need to attend an appointment (for example treatment at hospital as an outpatient) this should be recorded as sickness absence.
109. If you have a pre-planned appointment such as a scheduled operation this should be recorded as sickness absence. You should inform your manager as soon as possible of the arrangements.

#### Medical advice

110. Suggestions from doctors relating to support are provided as advice only and are not binding. In circumstances where occupational health advice recommends an alternative approach, this advice will take precedence over that of the doctor. It is for the employer to make the final decision as to whether the support identified by the doctor can be accommodated.
111. If it is not possible to accommodate the doctor's advice regarding support your manager will explain this and agree a review date or return to work date. In these circumstances the fit note will be regarded as if the advice had been 'not fit for work' and you will be referred to occupational health for an assessment.
112. It would be impractical to obtain advice from occupational health on all cases involving adjustments recommended by medical practitioners. Your manager will discuss this with you and planned returns to work should be based on operational requirements and common sense. In complex cases or cases where you are not able to return to your full contractual duties within the agreed timeframe or no agreement can be reached then your manager should seek further advice from your HR advisor or occupational health.

### **Roles and responsibilities**

#### Employee responsibilities



113. You have a responsibility to co-operate with the procedures within this policy and to engage with the process at all times including:
- attending work regularly and to only make use of the sickness procedures when you are genuinely too ill to come to work
  - appropriately notifying your manager if you are not able to attend for work
  - maintaining regular contact with your manager whilst absent and advising them of any changes to your condition and attending meetings as and when required
  - sending in fit notes / medical notes to your manager in line with the policy and procedure
  - attending for occupational health assessments in support of your health
  - reporting any concerns that you have that might have a detrimental effect on your health, well being and ability to attend for work
  - not engaging in activities or work elsewhere while you are absent that might have a detrimental impact on your recovery or that is some way not conducive to supporting your return to work

#### Line manager responsibilities

114. All line managers have a responsibility to apply this policy and procedure fairly and consistently to promote good health for their employees and to identify and remove significant risks from their work and working environment including:
- following the health, safety and welfare policy procedures and advice of the council
  - communicating the absence management policy to all employees and ensuring that they are aware of the sickness reporting procedure
  - ensuring that employees know the department's protocol for notifying/confirming their sickness absence
  - maintaining contact with absent employees on a regular basis
  - conducting return to work interviews with each employee after each period of absence
  - monitoring the sickness absence levels of employees individually and as a group to identify where patterns of absence appear
  - considering the advice from occupational health and to decide on and implement the appropriate action with advice from HR if required
  - discussing the occupational health report with employees
  - investigating any absences not covered by a fit note if the reason for absence is in doubt

- maintaining a record of all absence management discussions with your employees. These records should be maintained for a period of 12 months.
- processing all information in relation to employee absence in accordance with the Data Protection Act 1998.

#### HR responsibilities

115. The role of HR is to promote advice and guidance on this policy and procedure and to support the line manager where appropriate. This may include attending formal absence meetings when required in complex cases.

#### Occupational health responsibilities

116. Occupational health has a responsibility for providing a professional assessment of the physical and psychological health of employees and their ability to carry out the tasks required of the job, keeping accurate records and providing suitable reports.
117. Occupational health (with your permission) may seek further medical information about your condition from your doctor or medical specialist, to ensure the most appropriate recommendations are forwarded to your manager to maximise the support for you at work.
118. Occupational health is not a treatment service, but an advisory service. Following your occupational health assessment a confidential report will be provided to your manager with information to allow decisions to be made to support your health at work. You are entitled to have a copy of this report. It is the responsibility of the manager to make decisions regarding appropriate action and implementation of the recommendations of occupational health.

#### **Frequently asked questions**

119. How do I report my absence?

You should telephone your line manager or nominee giving the reason(s) for the absence as early as possible on the first day of sickness within the required time set by your department. It is not acceptable to give a message/send a text to a friend or colleague concerning your absence.

120. How/when should I maintain contact with my manager during my absence?

You should agree with your manager when you will next make contact during your absence. As a guide you should telephone again on the fourth and eighth day (including non-work days and weekends) of absence. If the fourth and eighth day of absence falls on a weekend then you should contact your manager on the following Monday. You should be available during your normal working hours.

121. Can I take annual leave whilst I am on sick leave?

You may take annual leave whilst you are absent. You must inform your manager of this intention so that they can make arrangements for this. Your sick pay will be suspended for the period of your annual leave to enable this time to be accredited as annual leave. On return from annual leave, sick pay will commence again.

122. What if I have accrued annual leave entitlement during my sickness absence – will I be able to carry the leave over to the next leave year?

If you have accrued annual leave entitlement during your sickness absence and you are unable to take this, you may carry the leave over to the next leave year. You must inform your manager to make arrangements for this.

123. I am a part time employee on long term sickness absence. How will my entitlement to annual leave be calculated during the period of sickness?

You will receive a pro-rata entitlement to annual leave as normal. For example, regardless of your work pattern for the week, if you request to take a week annual leave whilst on sick leave your entitlement to sick pay will be extended by one full week.

124. What will happen if I fail to follow the absence management policy?

If you do not follow the procedures outlined in the absence management policy you may lose your entitlement to statutory sick pay or occupational sickness allowance or both for all or part of your absence. You may also be subject to action under the disciplinary policy.

125. Will I be notified of the reduction in my sickness allowance or will it automatically be reduced?

Payroll has a policy of writing to employees to warn you before your sickness allowance is reduced.

126. I have attended a return to work interview following each of my sickness absences. Will my manager take formal action?

At each return to work interview your manager should decide whether formal action is required depending on whether your absence level has reached the trigger level over the previous year/six month period. If this is the case, your manager will advise you that formal action in the form of a formal sickness advisory meeting will take place.

127. If I have reached a trigger level and formal action has been taken how will I know if my attendance meets the required standard?

After every sickness absence, your manager will conduct a return to work interview to discuss each period of absence during the monitoring period (usually 3 months). Trigger levels will be used so that your manager can assess whether your attendance level has improved and whether any action is required.

128. What should I do if I have a pre-planned operation?

Sickness absence should be used if you have a pre-planned operation. You should inform your manager as soon as possible so they can make arrangements for this.

129. I have a disability and need to attend hospital appointments. How should this be recorded?

You may be granted up to 20 episodes per year to attend appointments in relation to your disability/impairment. Your manager will agree this on a case by case basis and it will be based upon business requirements.

## Definitions

*Underlying health cause* – an identifiable health condition that is experienced by an individual and which might cause either long or frequent short term absences. Examples include significant medical conditions such as clinical depression, back conditions or injuries, multiple sclerosis, breaks or fractures to bones.

*No underlying health cause* – a period or pattern of sickness for which there is no common main health cause or evidence of a specific underlying health cause. Examples include lots of short-term sickness periods.

*Agreed / required time* – each department will determine the time by which notification of absence is required. For most services this will normally be within one hour of your usual start time.

*Trigger point* – when reached by an employee, managers are required to consider whether they will take action. Trigger levels ensure that absence monitoring treats everybody fairly and highlights when additional action to manage attendance is required. These levels are a guide to when action should be taken but should also be used as the standard to establish if an employee is back to maintaining an acceptable standard of attendance.

## **Equal Opportunities**

This policy has been Equality Impact Assessed to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

Managers will make any necessary adjustments to ensure that all employees are treated equally. For further information see the guidance on [equal opportunities in absence management](#).

## **Further advice and information**

There are a number of related policies and procedures that you should be aware of including:

Disciplinary Procedure  
Capability Procedure

[Employee well being](#)  
[Time off for family emergencies](#)  
[Leave for carers](#)  
[Religious beliefs and practices](#)

[Access to Work](#) can provide advice and support regarding reasonable adjustments. Contact by telephone on 02920 423 291 or textphone 02920 644 886.

The council's [equality and diversity team](#) are happy to offer support on equality issues affecting any groups of staff.

For further information please speak to your manager, or contact your [HR advisor](#)

There is also a [toolkit](#) including manager guidance and supporting documents to use when following this policy and procedure.

Policy author	HR Policy and Reward Team – (LB)
Policy last updated/implemented	24 November 2010

## **Absence Management Policy and Procedure Toolkit**

A toolkit providing further information including template letters, forms and manager's guidance is provided with this policy. The information in this toolkit is detailed below, and can also be accessed via links in the policy.

This toolkit includes:

[Guidance for managers](#)

[Managing short term sickness absence flowchart](#)

[Managing long term sickness absence flowchart](#)

[Guidance on the right to be accompanied](#)

[Equal opportunities in absence management](#)

[Phased return plan](#)

[Disability leave and sickness form](#)

[Maintaining contact template](#)

[Failure to submit fit note template letter](#)

[Invite to formal sickness advisory meeting template letter](#)

[Prep notes for formal sickness advisory meeting template](#)

[Outcome of first formal sickness advisory meeting template letter](#)

[Outcome of second formal sickness advisory meeting template letter](#)

[Outcome of third formal sickness advisory meeting \(short term\) template letter](#)

[Outcome of third formal sickness advisory meeting \(long term\) template letter](#)

[Outcome of formal attendance hearing](#)

[Contemplation of dismissal checklist](#)

[Formal attendance hearing report](#)

Occupational health referral guidance notes

Information on [how to report sickness](#) is also available for employees

## Guidance for Managers

This guidance should be read in conjunction with the [absence management policy and procedure](#) for the management of all health and sickness issues. It provides information on:

- [Reporting sickness absence](#)
- [Entering sickness absence on SAP](#)
- [Fit notes](#)
- [Maintaining contact whilst an employee is absent](#)
- [Conducting a return to work interview](#)
- [Managing short term sickness absence](#)
  - [Stage 1 – first formal sickness advisory meeting](#)
  - [Stage 2 – second formal sickness advisory meeting](#)
  - [Stage 3 – third formal sickness advisory meeting](#)
  - [Stage 4 – formal attendance hearing](#)
- [Managing long term sickness absence](#)
  - [Stage 1 – first formal sickness advisory meeting](#)
  - [Stage 2 – second formal sickness advisory meeting](#)
  - [Stage 3 – third formal sickness advisory meeting](#)
  - [Stage 4 – formal attendance hearing](#)
- [Reasonable adjustments](#)
- [Disability and sickness absence](#)
- [Disability and time off to attend appointments](#)
- [Home visits](#)
- [Holiday entitlement during sickness absence](#)

Information on [how to report sickness](#) is also available for employees

### Reporting sickness absence

1. You should inform your team of [how to report sickness](#) and the agreed time within your team or department before which an employee must report their absence. You should include reporting arrangements for employees in your absence. It may be appropriate for the employee to contact either your deputy or direct line manager.
2. Contact should then be at regular intervals throughout the period of absence and the employee should be available and contactable during their normal contractual hours.
3. From the 8th calendar day of sickness absence a medical statement of fitness for work (fit note) will be required, signed by a registered doctor and with a reason for absence. You should complete the [fit note submission form](#) and send both documents to SST payroll each time a fit note is received whilst the employee is absent.



## Entering sickness absence on SAP

4. Once you receive a telephone call from your employee stating that they will be absent you should enter the details on to SAP via MSS using end date 31.12.9999.
5. If the absence is for 8 days or more you must receive a fit note from the employee. You do not need to amend SAP as the end date will already be input as 31.12.9999.
6. On the employee's return to work, you should amend the last day of their absence on SAP.
7. If the employee is off sick because of their disability/impairment this should also be recorded on the disability leave and sickness form.
8. You should regularly run MSS absence trigger reports to enable you to take appropriate absence management action as detailed in the policy and procedure.
9. For further guidance please access the [SAP guidelines](#).

## Fit notes

10. The fit note allows doctors to advise on an employee's ability to carry out their role. It should advise you that:
  - the employee is not fit for work – they have a condition preventing them from working for the stated period of time OR
  - the employee may be fit for work taking in to account the advice given through a phased return, altered hours, amended duties or workplace adaptations
11. You should complete the [fit note submission form](#), attaching the fit note and forward to SST payroll.
12. You should discuss the fit note with your employee and you will need to consider the information provided to determine the options and any appropriate action. You should liaise with your HR advisor or occupational health if appropriate. You are able to decide not to implement these recommendations if they do not meet with the operational requirements of your team.
13. A fit note must be received for every period of absence from the 8<sup>th</sup> day of absence onwards and should run consecutively without any missing periods. You should only accept a backdated fit note in exceptional circumstances and should discuss this with your HR advisor if required.

14. If an employee fails to submit a fit note whilst absent you should contact them to determine the reasons why. If appropriate, you should write to them using the [failure to submit a fit note](#) template letter.

#### Maintaining contact whilst an employee is absent

15. If an employee calls in sick it is important that you as their line manager take the call personally. You should:
  - determine the nature of the illness and an expected date of return to work
  - agree when the next contact should be and who should initiate this
  - determine whether there is anything that you can do to help in the employee's absence
16. You should ensure that the employee understands their responsibility for maintaining contact whilst absent.
17. You must ensure that you maintain a reasonable level of contact with the employee throughout their absence so that action can be taken quickly. Future contact should include:
  - checking understanding of the absence management policy and procedure
  - providing the employee a chance to explain the problem and what is happening
  - asking whether there is anything that can be done to help and review their needs / wishes for support
  - reassurance about practical issues such as their job security, sick pay allowances etc
  - information on their likely return date so that you are able to plan cover for their absence. If the employee has visited a doctor, what is the medical advice given
  - maintaining an accurate record of the contact made with the employee. A [record template](#) has been provided to assist you with this process.
18. You should avoid putting pressure on the employee to name a return date as they may not know when they are likely to be fit to return to work or to divulge personal/medical information that they may feel uncomfortable in doing so.
19. If an employee refuses contact whilst they are absent from work you should seek advice from your HR advisor.

#### Conducting a return to work interview

20. After every episode of sickness a return to work interview should be carried out as early as possible on the day of return to work.
21. The aim of this discussion is to be supportive and allows any factors that might be contributing to absence to be identified and appropriate action taken. Possible factors include:
  - difficulty in finding a balance between work and home life
  - personal problems that are having an impact on health
  - a health and safety issue in the workplace
  - a form of work related stress
  - difficult working relationships with colleagues
  - reaction to changes in the workplace
22. The meeting should be carried out privately and where you will not be interrupted to allow for sickness issues to be discussed. Please see the [guidance on preparing and running meetings](#) for further information.
23. Before the meeting you should produce a copy of the employee's absence record for the last 12 months from SAP so that you are fully aware of their recent absence history.
24. The [return to work interview form](#) should be completed and maintained (preferably electronically) for a period of 12 months. Paper copies should be scanned if available to be stored electronically. If you have completed the form electronically you should email the completed form to the employee for them to forward back to you. You should retain a copy of the email and completed form as proof of their acceptance/sign off.
25. If the employee is off sick because of their disability/impairment this should be identified on the return to work interview form.
26. In most cases a short discussion should be adequate but as a guide, each meeting should cover:
  - a brief welcome back and check on how they are feeling / coping
  - the reason for the sickness absence (if the employee is prepared to disclose this to you) and to discuss the steps taken to recover such as seeking advice from the employee / receiving treatment etc
  - feelings about returning to work
  - an update on what has happened while the employee has been away
  - agreeing any steps / follow up actions that may be required after the meeting. This could include; a referral to occupational health / a review of working practices, a revised work station / health and safety risk assessment, purchase of specialist equipment /

protective clothing or obtaining further advice regarding reasonable adjustments

- an opportunity for the employee to discuss any concerns or raise any questions
- if there is an underlying absence pattern, a sensitive discussion about what might be causing this

27. If you feel that the employee is still unfit to return to work despite their wish to return you may be able to suspend them from work on medical/health and safety grounds.
28. You must discuss your concerns with the employee and seek advice from HR and occupational health before any decision is made.

### **Managing short term sickness absence**

#### Stage 1 – first formal sickness advisory meeting

29. If the employee reaches a trigger point or you have concerns with their attendance you should invite them to attend a formal sickness advisory meeting.
30. You should consider a trigger point or sickness that causes concern as the level of non-attendance that is so disruptive that it affects efficient service delivery and places extra pressure on other employees. Examples include sickness absences frequently coinciding with sporting events, school-in service days, before or after bank holidays/weekends or absences always occurring on the same day each week.
31. You should discuss the case and agree the management response with an HR advisor to maintain consistency before conducting the first formal sickness advisory meeting.
32. If the employee is covered by the DDA you should discuss their case with your HR advisor to determine appropriate action.
33. You should [plan](#) the points that you wish to discuss with the employee and should make sure you have the appropriate information such as:
  - notes of any previous meetings/return to work interviews
  - the attendance record since then
  - any medical reports
34. Your discussion with the employee should include:
  - reasons why the level of attendance is unacceptable with regards to the operational requirements of the team and the impact of their absence
  - opportunity to talk through the employees' explanations or concerns and to ask questions

- identifying support mechanisms to help improve attendance
  - actions that the employee should take to improve their attendance level and the expectations of them in the future
  - next steps and consequences if attendance does not improve in attending a formal attendance hearing to consider the employee's employment.
35. You should set a monitoring/review period (between 6-12 weeks) for the employee to make the required improvement.
36. You should document the meeting making a note of any discussions using the [meeting notes template](#). These notes may be relied upon at a later date.
37. If appropriate you should refer the employee to occupational health by completing the [occupational health referral form](#) explaining the reasons for their referral. You should ensure that their address and contact details are up to date in completing this form and for further information on the process access the [occupational health referral guidance](#).
38. Once complete, you should send the form either by post or email [occhealth@wiltshire.gov.uk](mailto:occhealth@wiltshire.gov.uk) marked private and confidential.
39. You should confirm the meeting outcome in writing with the employee and should include:
- the concerns or issues raised
  - the improvement expected
  - the actions agreed
  - the monitoring/review period set
  - an agreed anticipated date of return (if this was discussed)
  - the consequences of failing to meet targets
  - any other relevant points

#### Stage 2 – second formal sickness advisory meeting

40. You should arrange a second formal sickness advisory meeting with the employee to discuss the occupational health report and to determine whether any action is required.
41. You should confirm the meeting outcome in writing with the employee.

#### Stage 3 – third formal sickness advisory meeting

42. You should invite the employee to attend a third formal sickness advisory meeting at the end of the review period to identify whether they have made an improvement.
43. If the required improvement has been reached the formal process will cease providing there is no repetition of poor attendance at work

without an underlying health reason within the next 12 months. You should confirm this in writing with the employee.

44. If the required improvement and attendance has not been reached you should wither decide whether to extend the review period for 1 month or contemplate a formal attendance hearing. You should confirm this in writing with the employee.
45. If the required improvement has been reached but a repetition of sickness absence without an underlying health cause occurs within 12 months you should decide whether to put in place a further 3 month review or arrange a [formal attendance hearing](#).

#### Stage 4 – formal attendance hearing

46. If the required improvements in attendance have not been reached or there has been a repetition of short term absence within 12 months you should confirm in a written [contemplation of dismissal report](#) the reasons for recommending a formal attendance hearing.
47. You should give the employee 10 working day's written notice of the hearing and the [right to be accompanied](#).
48. The formal attendance hearing will be chaired by a service director or their nominee where the outcome may result in any of the sanctions of the disciplinary policy including dismissal.
49. A letter confirming the decision will be sent to the employee within 5 working days of the meeting.

#### Appeals

50. The employee has the right to appeal in accordance with the council's [appeals policy and procedure](#).

### **Managing long term sickness absence**

#### Stage 1 – first formal sickness advisory meeting

51. If the employee reaches a trigger point or you have concerns with their attendance you should invite them to attend a formal sickness advisory meeting.
52. You should discuss the case and agree the management response with an HR advisor to maintain consistency before conducting the first formal sickness advisory meeting.
53. If the employee is covered by the DDA you should discuss their case with your HR advisor to determine appropriate action.

54. Your discussion with the employee should include:
- your concerns regarding their level of attendance
  - opportunity to talk through the employees' concerns
  - identifying support mechanisms such as reasonable adjustments to help improve attendance
  - actions that the employee should take to improve their attendance level and the expectations of them in the future and timescales for their return to work
  - alternative options as stated in the absence management policy and procedure to enable a return to work (return to existing post on a phased return basis, return to existing post with reasonable adjustments, redeployment or application for retirement on the grounds of ill health)
  - next steps and consequences including progression to a formal attendance hearing to consider the employee's employment.
55. You should document the meeting making a note of any discussions using the [meeting notes template](#). These notes may be relied upon at a later date.
56. If appropriate you should refer the employee to occupational health by completing the [occupational health referral form](#) explaining the reasons for their referral. You should ensure that their address and contact details are up to date in completing this form and for further information on the process access the [occupational health referral guidance](#).
57. Once complete, you should send the form either by post or email [occhealth@wiltshire.gov.uk](mailto:occhealth@wiltshire.gov.uk) marked private and confidential.
58. You should confirm the meeting outcome in writing with the employee and should include:
- the concerns or issues raised
  - the improvement expected
  - the actions agreed
  - the monitoring/review period set
  - an agreed anticipated date of return (if this was discussed)
  - the consequences of failing to meet targets
  - any other relevant points

#### Stage 2 – second formal sickness advisory meeting

59. Once you have received the occupational health report, you should meet with the employee to discuss the occupational health advice and to explore the options available under the absence management policy and procedure.

60. You should inform the employee that outcomes (other than a full return) have to be fully explored and it may be necessary to end the contract of employment (at a formal attendance hearing).
61. If the employee has an underlying health cause that may meet the requirements of the Disability Discrimination Act you must ensure that an assessment is carried out and any reasonable adjustments considered. You should discuss the assessment with your HR advisor particularly where the case is complex to ensure compliance with the Act.
62. The assessment and any recommendations for reasonable adjustments must be fully considered before organising a formal attendance hearing.
63. You should refer to the information on reasonable adjustments for further details or access the [commitment to disability at work](#) information on HR Online.
64. Depending on the nature of the absence further occupational health referrals may be required throughout the process. This will ensure that your decisions regarding the employee take account of relevant and up to date medical information.

#### Option 1 – further period of review

65. You may need to arrange a further review period of up to 12 weeks absence so that progress can be reviewed. This will enable the employee to seek treatment if required and aid their recovery.
66. You should arrange for a further referral to occupational health if appropriate so that an up to date assessment of the employee's health can be made and to identify timescales and prospects of a return to work.
67. Following this review period and occupational health referral (if appropriate) you should arrange a further formal sickness advisory meeting to discuss the progress.

#### Option 2 – return to existing post (including phased return to work)

68. A phased return to work should usually aim to achieve an effective return to work between 2-6 weeks. Occupational health will usually advise a phased return to work for you to determine whether arrangements can be accommodated.
69. You should meet with the employee to:
  - consider the recommendations from occupational health and the requirements of the team balanced against the requirements of the employee



- consider any health and safety implications
  - consider any [reasonable adjustments](#) that may need to be made
70. A [phased return to work plan](#) should be completed and the dates of regular review meeting(s) agreed so that progress during the phased return can be monitored. The return to work plan should include:
- Attendance – the days and hours/shift pattern to be worked
  - Duties - the agreed duties do not always have to be part of their normal job. You may be able to get the employee back to the workplace elsewhere within the team
  - An increase in the workload in gradual increments over the agreed period of return to work
  - Agreed start and end dates for the phased period.
71. You should also consider the level of support that will be required by the employee and balance the requirements of the team against those of the employee returning to work.
72. A phased return should be agreed by all parties and the rest of the team should be briefed about the special arrangements that have been agreed to aid the employee's return to work.
73. An agreed programme does not have to be rigid. An employee may respond quickly and is ready to return to work on their contracted weekly hours sooner than anticipated, or they may take longer. As long as you continue to monitor and review any return to work programme then you will be able to respond as needed.
74. If the employee is absent because of illness on one of the days when he or she agreed to be at work during the phased return this should be recorded as sickness absence and will be paid at the appropriate sickness pay rate accordingly. Any absences should be discussed at your review meeting.
75. In exceptional circumstances the phased return can be extended beyond 6 weeks. Please contact your HR advisor for further advice. For the additional weeks (i.e. above 6) the level of payment that the employee receives will be adjusted depending on the hours that they work and the sick pay entitlement that they reached before returning to work.
76. If the phased return to work is unsuccessful or the employee returns to sickness absence and a 2<sup>nd</sup> phased return is recommended in a 12 month period you should discuss this with your HR advisor to determine how the 2<sup>nd</sup> phased return to work is paid and to explore further options.

Option 3 – return to existing post (with reasonable adjustments)

77. You should meet with the employee to consider the recommendations from occupational health and any [reasonable adjustments](#) that may need to be made.

#### Option 4 – ill health redeployment

78. If you have determined that it is not practical for the employee to return to their existing post you should consider redeploying them into another post. This must be mutually agreed.
79. Redeployment must only be considered after all the options have been determined as unsuitable and that you have followed the absence policy and procedure.
80. The employee should complete the redeployment form and follow the [redeployment process](#).
81. The employee will remain in the redeployment pool for a period of up to 12 weeks. If no suitable alternative employment is located, you should proceed with the remaining options within the absence management policy and procedure.

#### Option 5 – ill health retirement

82. After all of the options in managing sickness absence have been explored, occupational health may recommend permanent ill health retirement.
83. You must be able to prove/confirm that all other options have been fully considered before any recommendation by occupational health can take place.
84. You should refer to the [retirement information](#) on HR Online or the pensions service for further information.

#### Option 6 - termination of contract on the grounds of ill health

85. If there are no suitable alternative options (listed above) or a suitable alternative offer of employment has been refused you should consider terminating employment on the grounds of capability due to ill health.
86. You must be able to demonstrate that all the options have been considered and that there is no alternative before recommending dismissal by completing the [contemplation of dismissal checklist](#) and [contemplation of dismissal written report](#).

#### Stage 3 – third formal sickness advisory meeting

87. You should meet with the employee once it has been determined that there are no suitable alternative options as stated in the absence management policy and procedure. You should inform them of your intention to recommend a formal attendance hearing to discuss continuation of employment.

#### Stage 4 – formal attendance hearing

88. You must inform the employee in writing with 10 working day's notice of the hearing that they will be required to attend a formal attendance hearing to consider their continued employment with the council.
89. You should provide a brief summary of the sickness absence and action taken so far and the circumstances that have led to contemplating termination of their contract.

#### Appeals

90. The employee has the right to appeal in accordance with the council's [appeals policy and procedure](#).

#### Making reasonable adjustments

91. If the employee has a disability you are obliged to make reasonable adjustments in the workplace. Examples of reasonable adjustments include (but are not limited to):
- additional software
  - specialist equipment such as a special chair, computer screen or adapted keyboard
  - a flexible approach to working hours such as changing start and finish times or the actual hours of work
  - changing the working environment (e.g. changing the height of shelves or making a door easier to open)
  - assistance such as support workers or British sign language interpreters
  - allowance for hospital appointments
  - adjusting the job role to accommodate individual abilities
92. You should discuss reasonable adjustments with your employee to find out what would help so that any reasonable changes can be made to help the employee carry out their role.
93. For further information please refer to the [commitment to disability at work](#) information on HR Online.

#### Disability and sickness

94. If the employee is off sick due to their disability/impairment you should make note of their absence (in addition to updating SAP) on the disability leave and sickness form.

#### Disability and time off to attend appointments

95. If the employee has a disability and requires time to attend an appointment relating to this disability/impairment the time taken should be recorded separately to sickness absence. It should be recorded as disability leave. Please refer to the absence management policy for examples.
96. You should authorise time to attend appointments based upon both employee and operational requirements on the [disability leave and sickness form](#).

#### Conducting home visits

97. A home visit may be necessary in exceptional circumstances when the employee is unable or circumstances make it difficult for them to attend a meeting at either their own workplace or any other council office. A home visit will enable regular contact (either informal or informal) to be maintained throughout their absence.
98. You should only arrange a home visit with the agreement of the employee. Ultimately, as the meeting is to be held in the employee's home, it is up to the employee to decide whom he or she wants to invite in.
99. An informal visit i.e. held to ensure both parties are kept up to date on developments relating to the employee's absence, will normally only require one manager to visit the employee.
100. The employee will however be able to have other family members/friends present at the meeting since it is being held within their own home. Whenever possible you should ensure the employee knows the manager or supervisor conducting the visit.
101. The meeting should be documented using the [meeting notes template](#) and a [letter](#) detailing the main issues and actions should be sent to the employee following the home visit.

#### Holiday entitlement during sickness absence

102. If an employee informs you that they have a pre-booked holiday or wish to take annual leave during a period of sickness absence you must notify payroll. This will ensure that sick pay can be temporarily suspended and the period accredited as annual leave and SAP amended accordingly.

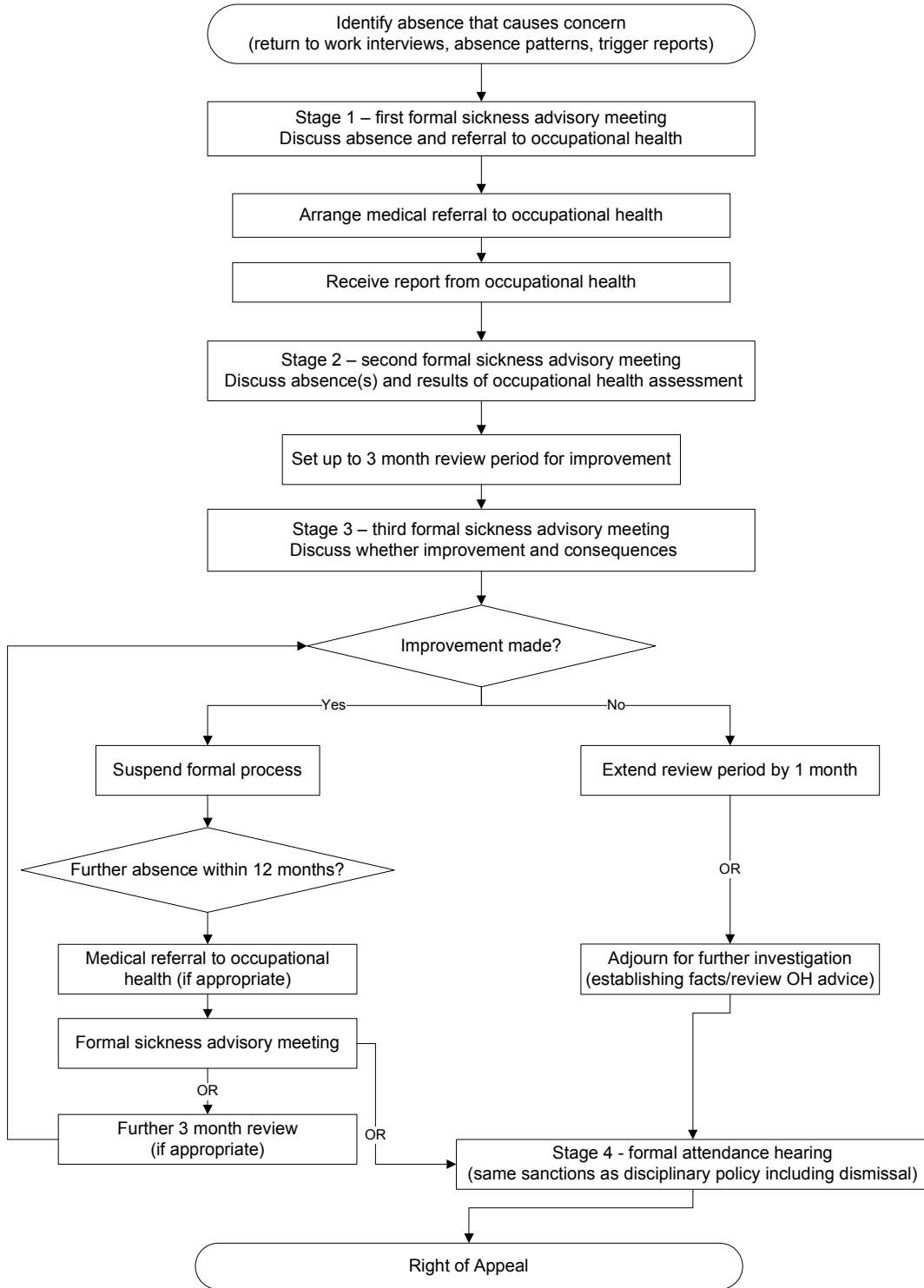
103. If an employee is unable to use their accrued holiday entitlement during a period of sickness absence this may be carried over to the next year. You should agree with the employee an appropriate timeframe for taking any carried over leave based upon operational requirements.

## Employee guidance - how to report sickness absence

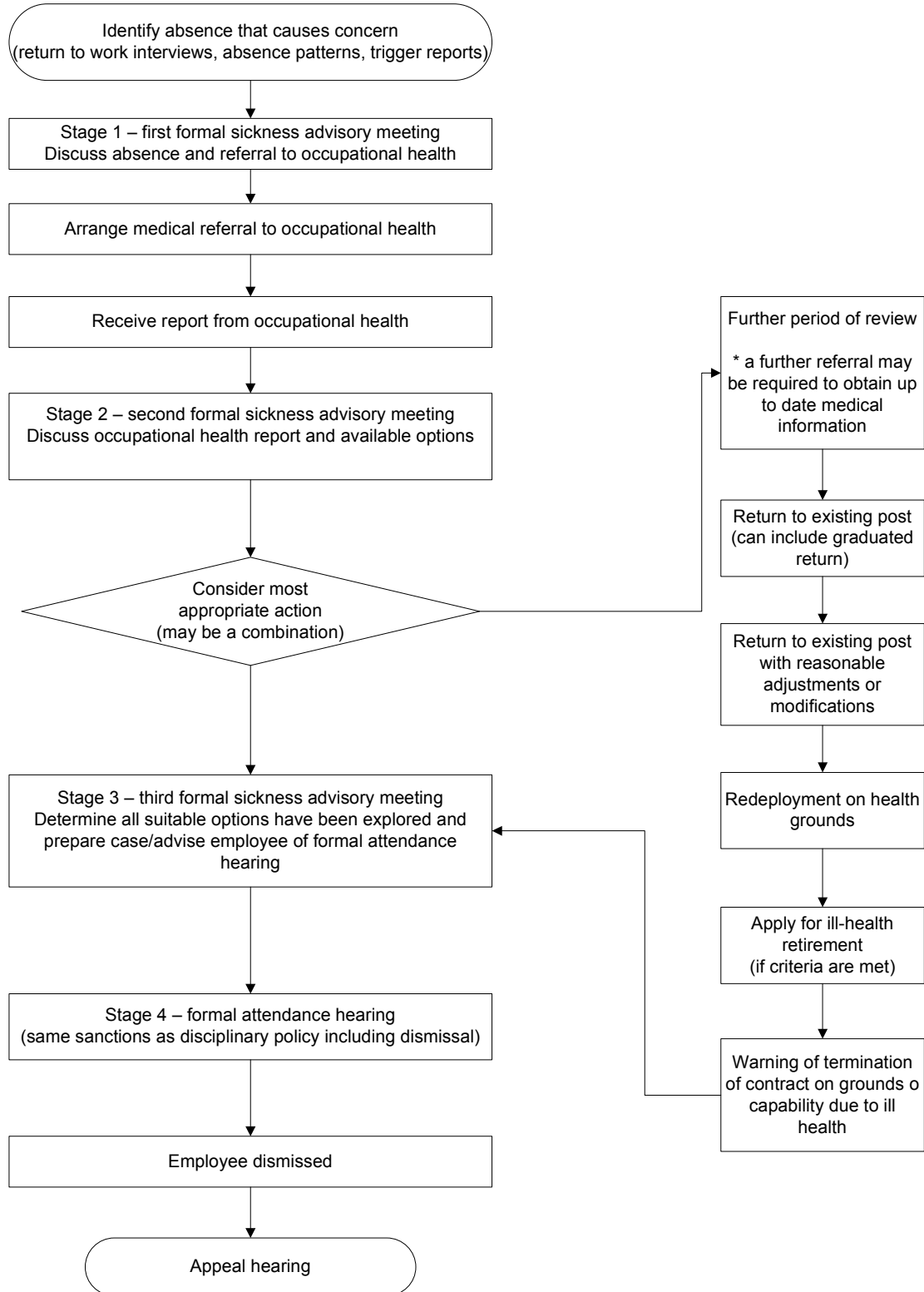
1. If you are physically able, you should telephone your line manager giving the reasons for your absence on the first day of your sickness, and within the agreed time that has been set out for your department. For most services this time will normally be within one hour of your usual start time but you should ask your manager for further information on this agreed time.
2. It is not acceptable to give a message/send a text to a friend or colleague concerning your absence.
3. You must provide your manager with an idea of when you think you will return to work. It is also helpful to let them know if you have been to a doctor and what your doctor has said.
4. If you continue to be absent you must maintain contact with your manager and agree with them when your next contact will be. As a guide you should telephone them again on the fourth and eighth day of your absence. This includes non-work days and weekends.
5. If your absence extends beyond 7 days, you need to submit a medical statement of fitness for work (fit note) signed by a registered doctor to cover you from day 8 onwards. The fit note will either indicate that you are not fit for work or that you may be fit for work with suggested support. It should also give information about your condition, the date you were seen by the doctor and the period of time you need to refrain from work and/or require support.
6. If your absence continues you must send your manager a new fit note as and when the previous fit note expires, with no missing periods. Backdated fit notes are not acceptable unless in exceptional circumstances.
7. Your manager will arrange to meet with you if your fit note indicates that you may be fit for work with support in order to explore arrangements and to confirm whether this is possible. Your manager may decide not to implement the arrangements identified on the fit note if they are not compatible with operational requirements.
8. When you return to work after every period of absence, your manager will arrange a return to work interview and will complete a return to work interview form.

If you fail to follow these procedures, your absence will be managed under the [absence management policy and procedure](#).

**Absence Management Policy and Procedure  
Managing Short Term Sickness Absence**



## Absence Management Policy and Procedure Managing Long Term Sickness Absence





## **Guidance notes - the right to be accompanied**

Employees attending informal discussions, counselling sessions and investigatory meetings do not have the right to be accompanied.

Any request to be accompanied at such a meeting will be considered by the manager leading the meeting on an individual basis and will normally be refused unless there are particular circumstances which warrant it.

Employees have a right to be accompanied to formal meetings which are likely to result in:

- a formal warning being issued;
- the taking of some other disciplinary action (such as suspension without pay, demotion or dismissal) or other action;
- the confirmation of a warning or some other disciplinary action (such as an appeal hearing).

Employees should be informed of this right when they are notified of the meeting.

The employee must tell the meeting organiser in advance who they will be accompanied by.

Employees may choose to be accompanied by:

- A work colleague;
- A trade union representative (certified by their union as being competent to accompany an employee);
- An official employed by a trade union.

Employees must make a reasonable request to be accompanied. What is reasonable will depend on the circumstances of each individual case.

It would not be reasonable for an employee to insist on being accompanied by a companion whose presence would prejudice the hearing or who may have a conflict of interest (for example a work colleague who is also a witness in the case)

Nor would it be reasonable for a worker to ask to be accompanied by a companion from a remote geographical location if someone suitable and willing was available on site.

The employee's companion may:

- address the hearing to put and sum up the employee's case;
- respond on behalf of the employee to any views expressed at the meeting;
- call an adjournment and confer with the employee during the hearing.

The companion may not:

- answer questions on the employee's behalf;
- address the hearing if the employee does not want them to;
- prevent the employer from explaining their case.

Wherever possible the availability of the employee's chosen companion should be considered when arranging the date and time of the meeting.

If the companion cannot attend on the proposed date the employee should suggest an alternative time or date so long as it is reasonable and not more than 5 working days after the original date.

### **Right to time off to represent an employee**

An employee who has agreed to accompany a colleague is entitled to a reasonable amount of paid time off to fulfil that responsibility.

This should include time to familiarise themselves with the case, confer with their colleague before and after the meeting and to attend the hearing

The representative must speak to their manager to request time off to fulfil their role.

The manager has the right to refuse if not given sufficient notice or if unable to cover the absence. However they should not unreasonably prevent the employee from attending.

Fellow workers or trade union officials do not have to accept a request to accompany an employee, and they should not be pressurised to do so.

### **Reasonable adjustments**

If either the employee, or their companion, has a disability then reasonable adjustments should be made to ensure they are able to fully participate in the meeting.

This may include holding the meeting in an accessible room, providing an interpreter/additional equipment or allowing extra breaks.

## **Guidance for managers - equal opportunities in absence management**

Equality is not about everybody being treated in exactly the same way; it is about everybody having equal opportunities and removing barriers that stop this from happening.

Managers have a responsibility to consider whether:

- particular groups are more likely to be subject to the absence management policy and procedure;
- people from particular groups may be prevented from participating fully in the absence management process

and to look at whether there are adjustments that can be made to overcome these issues.

Adjustments may include:

- providing specialist equipment to allow an employee to carry out the duties required of the role such as an adapted keyboard for an employee with arthritis or a large screen for a visually impaired employee;
- allowing a disabled employee who has recently developed a condition to have more time off work to enable them to have rehabilitation.

Remember that where an employee has a protected characteristic as defined by the Equality Act 2010 we have a duty to make reasonable adjustments.

Some examples of inequality in absence management cases include:

**A deaf employee is asked to attend a sickness hearing but states that they will find it impossible to participate.**

You could ask the employee what adjustments could be made to improve their ability to participate. This could include arranging for a sign language interpreter to attend the meeting.

### **Further advice**

There are two staff forums where staff can network and support each other:

#### **Staff disability forum**

If you have a disability or hidden impairment, your experiences will be valued in the forum. Members meet every other month to share information and resolve practical issues related to disability, as well as acting as a consultation group.

**Black and minority ethnic forum**

The forum is open to all employees across the council who consider themselves to be BME as well as other individuals who may be subject to discrimination and harassment on the basis of their own ethnicity, nationality or faith, or of those with whom they are associated. They also act as a consultation group.

Contact the [equality and diversity team](#) for information about accessing these forums.

**Access to Work**

When considering reasonable adjustments for disabled employees “[Access to work](#)” can provide advice and support to both employees and managers. Contact by telephone 02920 423 291 or textphone 02920 644 886.

**More information**

The council’s [equality and diversity team](#) are happy to offer support on equality issues affecting any groups of staff.

Individual employees with queries can contact their HR advisor.

### Phased return to work plan

Name of employee:	
SAP number:	
Place of work:	
Home address:	
First date of return:	
Contracted hours per week:	

<b>Week commencing:</b>		
<b>Week 1</b>	Hours due to work	Hours actually worked
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
<b>Total</b>		
<b>Duties:</b>		

<b>Week commencing:</b>		
<b>Week 2</b>	Hours due to work	Hours actually worked
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
<b>Total</b>		
<b>Duties:</b>		

<b>Week commencing:</b>		
<b>Week 3</b>	Hours due to work	Hours actually worked
Monday		
Tuesday		
Wednesday		

Thursday		
Friday		
Saturday		
<b>Total</b>		
<b>Duties:</b>		

<b>Week commencing:</b>		
<b>Week 4</b>	Hours due to work	Hours actually worked
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
<b>Total</b>		
<b>Duties:</b>		

<b>Week commencing:</b>		
<b>Week 5</b>	Hours due to work	Hours actually worked
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
<b>Total</b>		
<b>Duties:</b>		

<b>Week commencing:</b>		
<b>Week 6</b>	Hours due to work	Hours actually worked
Monday		
Tuesday		
Wednesday		
Thursday		

Friday		
Saturday		
<b>Total</b>		
<b>Duties:</b>		

Manager		Date	
Employee		Date	



**Disability Leave and Sickness Form**

**Disability Leave – time off to attend appointments**

Disability leave is defined as paid time off work for a reason relating to your disability/impairment. It is distinct from sickness absence and should be recorded separately by your line manager.

Name of employee:	
Post Title:	
Line manager:	
Date:	

I request the following period(s) for disability leave:

First day of leave	Last day of leave	Number of days/hours taken	Running total	Approved by line manager



## Maintaining Contact during Sickness Absence

Name of employee:	
SAP number:	
First date of absence:	

These notes are not verbatim, however great care has been taken to ensure that they are as far as possible, a true and accurate record of events and of what was said.

<b>Date of contact:</b>	
<b>What was asked/said (written in the language used):</b>	

<b>Date of contact:</b>	
<b>What was asked/said (written in the language used):</b>	

<b>Date of contact:</b>	
<b>What was asked/said (written in the language used):</b>	

<b>Date of contact:</b>	
<b>What was asked/said (written in the language used):</b>	

NAME OF DEPARTMENT  
ADDRESS – E.G. Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

DATE

**Confidential**

EMPLOYEE NAME

EMPLOYEE ADDRESS

EMPLOYEE ADDRESS

EMPLOYEE ADDRESS

POSTCODE

Dear NAME

**Absence Management – failure to submit fit note**

I am writing to you as despite my request, you have failed to submit a fit note for the period DATE to DATE in line with the absence management policy and procedure.

I should be grateful if you would forward the fit note to me within 5 working days of receipt of this letter. Failure to do so may result in the withholding of pay.

If you have any queries regarding your sickness absence please contact me on the details below.

Yours sincerely

NAME

JOB TITLE

Direct Line: ADD DETAILS

Email: EMAIL@wiltshire.gov.uk

NAME OF DEPARTMENT  
ADDRESS – E.G. Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

DATE

**Confidential**

EMPLOYEE NAME

EMPLOYEE ADDRESS

EMPLOYEE ADDRESS

EMPLOYEE ADDRESS

POSTCODE

Dear NAME

**Absence Management – first/second/third/fourth formal sickness advisory meeting invite**

In accordance with Wiltshire Council's absence management policy and procedure and following your recent appointment with occupational health, I am writing to invite you to attend a first/second/third/fourth formal sickness advisory meeting to be held at TIME on DATE in VENUE.

If you are unable to attend, please let me know as soon as possible.

For your information please find enclosed a copy of Wiltshire Council's absence management policy and procedure.

If you have any queries, please do not hesitate to contact me.

Yours sincerely

NAME

JOB TITLE

Direct Line: ADD DETAILS

Email: EMAIL@wiltshire.gov.uk

Enc. Wiltshire Council absence management policy and procedure

**Preparation Notes for Formal Sickness Advisory meetings**

**NAME**.....

**DATE OF FORMAL SICKNESS ADVISORY MEETING**

1.	<b>State the purpose of the meeting and introduce those present (if applicable)</b>
2.	<p><b>Discuss sickness record – from DATE (over last year or so)</b></p> <p><u>Dates from – to</u>      <u>No. of days</u>      <u>Reason for Absence</u></p>
3.	<b>Discuss the occupational health referral</b>
4.	<p><b>Discuss the occupational health report (if applicable) – OH appointment – on DATE</b>  <i>For example</i></p> <ul style="list-style-type: none"> <li>• Significant history or underlying medical condition</li> <li>• Fit for work</li> <li>• <i>Other issues</i></li> </ul> <p><i>Recommendations from OH – discuss what OH recommended and what action(s) employee/employer will or should take – have they so far? ?</i></p> <p><i>E.g. made an appointment with GP, undertaking counselling, etc.</i></p>
5.	<p><b>Discuss adjustments/changes managers have taken and considered to date to help improve attendance/return to work:</b></p> <p><i>e.g. reduction in working hours, working flexibly, adjusted duties, more breaks</i></p>
6.	<p><b>Questions/issues to be covered:</b></p> <ul style="list-style-type: none"> <li>• Remind employee that these meetings are an accepted process and are not meant to punish, however, non-attendance causes serious problems, including additional costs to the council to cover absence</li> <li>• Is there anything you believe the council can do to assist you in improving your attendance?</li> </ul>
7.	<b>Well-Being Helpline</b> – give leaflet (if applicable) or direct to section on HR Online
8.	<b>Flowchart</b> – Explain the flowchart, where we are in the process and what will happen next – pass copy to employee
9.	<b>3 month review</b> – target of ? days sickness absence – if improvement is not reached further action will be taken in line with the Absence Management Policy. Ultimately continued employment may be jeopardized.
10.	<b>Review meeting</b> – follow up meeting will be held in 3 months' time to review sickness

	absence during the review period or following the next occupational health referral whichever is the sooner.
11.	<b>Review and summarise action points agreed during this meeting</b>
12.	<b>Letter</b> – confirm discussion in writing, recording actions that have been taken to date AND actions to be undertaken – and should include the FSA review meeting date in 3 months' time

**Management Actions**

Ensure that for every sickness absence a return to work interview is held, with a reminder to the employee that he/she is on the formal 3 month review period and every absence will be considered. Records of the RTW interview(s) forms must be kept.

Any other management action points:

NAME OF DEPARTMENT  
ADDRESS – E.G. Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

DATE

**Confidential**

EMPLOYEE NAME  
EMPLOYEE ADDRESS  
EMPLOYEE ADDRESS  
EMPLOYEE ADDRESS  
POSTCODE

Dear NAME

**Absence Management – outcome of first formal sickness advisory meeting**

As agreed, I am writing following the first formal sickness advisory meeting that you attended on DATE.

You were informed that the meeting is the first stage of the absence management procedure and that these meetings are an accepted part of the process and are not meant to punish. **If applicable:** However you were reminded that non-attendance can cause serious problems.

We discussed the need for an occupational health referral and I stated that I would liaise with occupational health regarding this. You will be notified of the appointment to attend an occupational health assessment.

**delete if not applicable:** You were advised that your level of sickness absence is a concern to the Council and you were advised that you have been absent for a total of **No. of days** over **No. of occasions** over the past 12 months. We then discussed each of the sickness absence periods over the last year. **You said that .....**



**delete if not applicable:** I explained to you the service implications of your level of attendance, including **having to cover your work with someone else/an agency person/the payment of overtime to other employees and the disruption to the work schedule or the work not being completed.**

You were provided with information on the confidential Employee Well-Being Helpline and were urged to contact the helpline to assist you further with any issues you would like help with.

You were then asked if there was anything else that Wiltshire Council could do to assist you. **In response you said that ..... I explained that .....**

To assist your understanding on the absence management policy procedure, you were shown the flowchart on managing absence and you were given a detailed explanation of the process of where your case is to date. You confirmed that you fully understood. You were also given a copy of the flowchart to take away.

If you have any queries concerning the contents of this letter or the process, please do not hesitate to contact me.

Please sign, date and return the second copy of this letter to me.

Yours sincerely

**NAME**  
**JOB TITLE**

Direct Line: **ADD DETAILS**  
Email: **EMAIL@wiltshire.gov.uk**

**Enc. Wiltshire Council absence management policy and procedure**

.....  
I confirm that I have received a copy of this letter dated **DATE** which this is a true reflection.

Signed .....

Date: .....

NAME OF DEPARTMENT  
ADDRESS – E.G. Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

DATE

**Confidential**

EMPLOYEE NAME  
EMPLOYEE ADDRESS  
EMPLOYEE ADDRESS  
EMPLOYEE ADDRESS  
POSTCODE

Dear NAME

**Absence Management – outcome of second formal sickness advisory meeting**

As agreed, I am writing following the second formal sickness advisory meeting that you attended on DATE.

You were informed that the meeting is the second stage of the absence management procedure and that these meetings are an accepted part of the process and are not meant to punish.

We discussed the occupational health report received following your appointment on DATE. In the report it was recommended that:

- there was significant history or an underlying medical condition
- you were fit for work
- you meet with your manager to regularly discuss issues of concern
- you make an appointment with your GP with regard to .....

In response you said that you were feeling better/you had not had time to see your GP/you have been receiving treatment.

It was agreed that you would.....

It was agreed that I would.....

You were then asked if there was anything else that Wiltshire Council could do to assist you. **In response you said that .....** **I explained that .....**

**Delete if not applicable – for managing short term sickness absence** As you were advised in the meeting, as a result of your sickness absence, it was confirmed that your attendance at work will be formally monitored for the next 3 months with a target of ..... days sickness absence during that period will be expected. Your absence during this 3 month period and further sickness absences will be managed in accordance with the absence management policy and procedure. If an improvement is not reached further action will be taken and ultimately your continued employment may be jeopardised. The meeting has been arranged to take place at **TIME** on **DATE** in **VENUE** to review your absence during this period.

**Delete if not applicable – for managing long term sickness absence** You were advised that the purpose of the meeting was to explore the options available under the absence management policy and procedure. Outcomes (other than a full return) have to be fully explored and it may be necessary to end the contract of employment (at a formal attendance hearing).

It was agreed that .....

To assist your understanding on the absence management policy procedure, you were shown the flowchart on managing absence and you were given a detailed explanation of the process of where your case is to date. You confirmed that you fully understood. You were also given a copy of the flowchart to take away.

I hope you found the meeting helpful and if you have any queries concerning the contents of this letter or the process, please do not hesitate to contact me.

Please sign, date and return the second copy of this letter to me.

Yours sincerely

**NAME**  
**JOB TITLE**

Direct Line: **ADD DETAILS**  
Email: **EMAIL@wiltshire.gov.uk**

Enc. Wiltshire Council absence management policy and procedure



I confirm that I have received a copy of this letter dated DATE which this is a true reflection.

~~delete if not applicable~~ I confirm that I will be / will not be attending the review meeting scheduled for DATE.

Signed .....

Date: .....

NAME OF DEPARTMENT  
ADDRESS – E.G. Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

DATE

**Confidential**

EMPLOYEE NAME

EMPLOYEE ADDRESS

EMPLOYEE ADDRESS

EMPLOYEE ADDRESS

POSTCODE

Dear NAME

**Absence Management – outcome of third formal sickness advisory meeting  
(managing short term sickness absence)**

As agreed, I am writing following the third formal sickness advisory meeting that you attended on DATE.

As you are aware, you were informed at your second formal sickness advisory meeting held on DATE that your attendance would be carefully monitored for a period of three months ending on DATE.

**delete if not applicable – no further action required** Your absence was reviewed during this monitoring period and I am pleased to confirm that you have met your target of ? days absence and therefore the formal review process has been completed and no further action needs to be taken at this time. However, as discussed it is important that you sustain this standard of attendance and should your absence level increase due to

sickness within the next 12 months there will be a requirement to recommence the process.

**delete if applicable – further action required** Your absence was reviewed during this monitoring period and unfortunately you did not meet your target of nil days' sickness absence. Therefore, as discussed, it has been decided

**either**

to extend the monitoring period for a further **NUMBER** month(s) and you will be expected to have no further days sickness absence during this time. If an improvement is not been during this period further action will be taken and ultimately your continued employment may be jeopardised. The meeting has been arranged to take place at **TIME** on **DATE** in **VENUE** to review your absence during this **NUMBER** month period if applicable and to review the actions that have been put in place to assist you.

**or**

that a further referral to occupational health would be appropriate for the most up to date medical advice and to establish if there is anything further the council can do to assist improving your attendance. You will be contacted directly with the appointment details.

**or**

your level of sickness absence continues to be unacceptable and consequently I confirm that your case will progress to the next stage in the absence management policy and procedure to a formal attendance hearing. You will be advised in writing of the date and time of the hearing and you will be provided with a pack of evidence that will be considered by a Panel. Please find attached a further copy of the absence management policy and procedure which details the formal attendance hearing. Please note that you have the right to be accompanied at this meeting by a trade union representative or workplace colleague if you wish.

If you have any queries concerning the contents of this letter or the process, please do not hesitate to contact me.

Please sign, date and return the second copy of this letter to me.

Yours sincerely

**NAME**  
**JOB TITLE**

Direct Line: **ADD DETAILS**  
Email: **EMAIL@wiltshire.gov.uk**

**Enc. Wiltshire Council absence management policy and procedure**



I confirm that I have received a copy of this letter dated DATE which this is a true reflection.

~~delete if not applicable~~ I confirm that I will be / will not be attending the review meeting scheduled for DATE.

Signed .....

Date: .....

NAME OF DEPARTMENT  
ADDRESS – E.G. Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

DATE

**Confidential**

EMPLOYEE NAME

EMPLOYEE ADDRESS

EMPLOYEE ADDRESS

EMPLOYEE ADDRESS

POSTCODE

Dear NAME

**Absence Management – outcome of third formal sickness advisory meeting  
(managing long term sickness absence)**

As agreed, I am writing following the third formal sickness advisory meeting that you attended on DATE.

As you are aware, you were informed at your second formal sickness advisory meeting held on DATE that all options (other than a full return) under the absence management policy and procedure would have to be fully explored and it may be necessary to end the contract of employment (at a formal attendance hearing).

**Detail the options considered and action taken.**

You were informed that it is my intention to recommend a formal attendance hearing to discuss continuation of your employment.

You will be given 10 working day's written notice of the formal attendance hearing and you will have the right to be accompanied.



If you have any queries concerning the contents of this letter or the process, please do not hesitate to contact me.

Please sign, date and return the second copy of this letter to me.

Yours sincerely

NAME  
JOB TITLE

Direct Line: ADD DETAILS  
Email: EMAIL@wiltshire.gov.uk

Enc. Wiltshire Council absence management policy and procedure

.....  
I confirm that I have received a copy of this letter dated DATE which this is a true reflection.

Signed .....

Date: .....

NAME OF DEPARTMENT  
ADDRESS – E.G. Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

DATE

**Confidential**

EMPLOYEE NAME  
EMPLOYEE ADDRESS  
EMPLOYEE ADDRESS  
EMPLOYEE ADDRESS  
POSTCODE

Dear NAME

**Absence Management – outcome of formal attendance hearing**

This letter confirms the decision arising from the formal attendance hearing that you attended on DATE. Also present at the meeting was myself (and) HR rep (and) trade union representative/work colleague/you confirmed you were happy to proceed without anyone accompanying you.

At the meeting ..... presented the absence management report concerning your case. They stated that.....

You and your representative were also given the opportunity to respond to the report. You stated that.....

As a result it was decided that.....

You have the right to appeal against this decision in accordance with Wiltshire Council's appeals policy and procedure.

I have arranged for a copy of this letter to be sent to your union representative.

If you have any queries concerning the contents of this letter or the process, please do not hesitate to contact me.

Please sign, date and return the second copy of this letter to me.

Yours sincerely

NAME  
JOB TITLE

Direct Line: ADD DETAILS  
Email: EMAIL@wiltshire.gov.uk

Enc. Wiltshire Council absence management policy and procedure



I confirm that I have received a copy of this letter dated DATE which this is a true reflection.

Signed .....

Date: .....

## Sickness absence - contemplation of dismissal checklist

1. Sickness absence history – have we captured a complete overview of the employee’s absence history (i.e. timeline of key dates) is this included in the management case?	
2. Is there written evidence of all of the formal sickness advisory meetings that have taken place and the agreed actions – are these all included in the management case?	
3. Was the employee given the opportunity to be accompanied at the formal sickness advisory meetings by a union rep/work colleague?	
4. Has the employee complied fully with the sickness absence policy? Where there has not been compliance, e.g. through reporting procedures / non attendance at appointments / meetings, are these fully documented?	
5. Have we put in place any adjustments to allow the employee to participate fully in any meetings / appointments? i.e. assistance with travelling arrangements / conference calls rather than a meeting?	
6. Has the employee been offered / co-operated in phased return to work programmes? Are the details of all of these phased return programmes detailed and included in the management report?	
7. Has the employee been alerted through the formal sickness advisory meeting and in writing that continued sickness absence may result in dismissal – is this documentation included in the management case?	
8. Is there comprehensive evidence of reasonable adjustments being considered and trialled? i.e. temporary reduction in hours, change in work place, homeworking, temporary change in duties, Access to work advice, special / additional equipment? Are all of the adjustments that have been discussed / trialled listed in the management case?	
9. Has redeployment been considered – has an alternative role been sought for the employee for at least 8 weeks? Is the evidence of all of the roles that the employee has been considered for listed and interview notes included / evidence of trial periods etc. In cases where the employee meets the DDA have we actually offered an alternative job in writing?	
10. Does the employee meet any of the tiers of ill health – have we explored this option? In the management report do we have written evidence of all of the medical assessment in respect of ill health?	
11. Occupational Health referrals – has advice been sought from the OH Advisor about the employee’s condition and future prospects? Are all of the reports included in the management report – has the employee been given a chance to ask questions about these?	
12. Medical reports – has OH obtained the necessary medical reports to sufficiently understand the health issues relating to a case – do we need to ask for any further medical reports from the employee’s specialist?	
13. Has the employee been consulted and given an opportunity to give his or her own views on the matter since the medical report (if any) was received and have any points put forward by the employee been considered?	

14. Have the steps required by any established procedure within the organisation for dealing with employees with health problems been taken?	
15. Have matters relevant to a decision to dismiss been investigated and considered?	
16. Can a reasonable employer be expected to wait any longer for the employee's health attendance record to improve bearing in mind the interests of the organisation, the position which the employee holds and the need to be fair to him or her?	
17. Do I as the responsible manager genuinely believe that the circumstances render the satisfactory performance of the employee's contract unlikely?	
18. Has the employee been consulted as the final step in the procedure?	
19. Are the circumstances, having regard to the medical position, the employee's job and the interest of the organisation, sufficiently serious in the light of the facts which I have found to be established to justify the decision I am contemplating?	
20. Have I provided the employee or his or her representative with an opportunity to put forward any other points for me to consider before deciding whether or not to dismiss, and have I had regard to these and to any response to them by the employee's manager?	
21. If the decision is to dismiss the employee, is the decision within the band of a reasonable employer in the circumstance?	

Absence Management Policy and Procedure  
Formal Attendance Hearing Report

Name of Employee:

Job Title:

Department:

The following report is a recommendation to proceed to a Formal Attendance Hearing under the Absence Management Policy and Procedure in respect of **NAME, JOB TITLE**.

Wiltshire Council's Absence Management Policy and Procedure has been adhered to throughout this case and in summary these fall into the following stages:

1. First Formal Sickness Advisory Meeting
2. Second Formal sickness Advisory Meeting
3. Third Formal Sickness Advisory Meeting

**First Formal Sickness Advisory Meeting**

Date of Meeting:

Present:

**NAME** introduced those present. **MANAGER** explained the purpose of the formal sickness advisory meeting and the absence management policy and procedure.

**MANAGER** reminded **EMPLOYEE** of the letter written on **DATE** advising **him/her** that this formal sickness advisory meeting had been arranged to formally assess **his/her** level of attendance from the commencement of their contract , to confirm the actions taken and to identify a final solution acceptable to both parties for improved attendance.

The following information was read out to **EMPLOYEE** who had a chance to comment and ask questions throughout:

**EMPLOYEE** was informed that **he/she** would be required to attend a medical referral appointment with Occupational Health.

**EMPLOYEE** attended an appointment with Occupational Health on **DATE**. OH advised that in their opinion .....

**EMPLOYEE** commenced employment on **DATE** and prior to **his/her** first formal sickness advisory meeting, **he/she** had a very high level and frequent periods of sickness:

<u>Date</u>	<u>No. of Days</u>	<u>Reason for Absence</u>
-------------	--------------------	---------------------------

*List here all absence which led to the first formal sickness advisory meeting*

At this meeting **EMPLOYEE** was advised that **his/her** level of attendance at work was not acceptable and they would be formally monitored for a period of at least three months with a target of **No.** of days absence in that period. In that meeting, it was explained clearly the impact the absence had on service delivery, including additional costs of ensuring the service is covered.

At the end of the review period, the attendance was again reviewed. During this three month period, **EMPLOYEE** was absent on the following occasions:

<u>Date</u>	<u>No. of Days</u>	<u>Reason for Absence</u>
-------------	--------------------	---------------------------

*List here all absences which occurred during the review period*

**EMPLOYEE** was advised that **his/her** level of attendance was unacceptable and was invited to attend a second formal sickness advisory meeting.

**Second Formal Sickness Advisory Meeting**

Date of Meeting:

Present:

On DATE, EMPLOYEE attended a second formal sickness advisory meeting. At this meeting, EMPLOYEE was informed that the purpose of the meeting was to ensure all options are explored to improve attendance and EMPLOYEE was given an opportunity to talk about his/her absences and to explain what he/she had done to help himself/herself. EMPLOYEE explained that the absence on .....

EMPLOYEE was asked what else the council could do to help improve their attendance. EMPLOYEE confirmed that he/she believed there was nothing further the council could do at that time. EMPLOYEE was informed that their attendance would be monitored for a further three month period, with a target of No. days' absence.

At the end of the review period, the attendance was again reviewed. During this three month period, EMPLOYEE was absent on the following occasions:

<u>Date</u>	<u>No. of Days</u>	<u>Reason for Absence</u>
-------------	--------------------	---------------------------

*List here all absences which occurred during the review period*

EMPLOYEE was advised that a further medical referral appointment would be arranged to ensure that the most up to date medical advice was available and to ensure that all reasonable adjustments were made to assist in improving EMPLOYEE's attendance.

EMPLOYEE attended an appointment with Occupational Health on DATE and a report was subsequently received. The advice given in the report confirmed that:

*Detail here the advice received, including whether or not what (if any) reasonable adjustments would improve attendance.*

*In the opinion of Occupational Health there are no underlying health problems, you are fit and well and capable of providing regular and efficient service.*

EMPLOYEE was asked if he/she had identified any final possible solutions that would improve his/her attendance. EMPLOYEE confirmed that

.....  
EMPLOYEE was asked if he/she had anything else they would like to add and he/she confirmed that .....



**EMPLOYEE** was informed clearly that the next stage in the absence management policy and procedure would be:

1. I would be submitting a report recommending whether or not to terminate **EMPLOYEE's** employment on the grounds of incapacity to attend work regularly.
2. The report would be reviewed and a decision whether or not to progress to a Formal Attendance Hearing.

Following the review meeting **EMPLOYEE** was advised in writing on **DATE** that **his/her** level of attendance was unacceptable and was invited to attend a Formal Attendance Hearing. **EMPLOYEE** was advised in my letter of **DATE** that the purpose of the Formal Attendance Hearing was to discuss their continued employment with Wiltshire Council.

At every stage of the absence management policy and procedure, **EMPLOYEE** was given a detailed explanation of what stage **his/her** case was in the procedure by way of the policy flowchart and confirmed that **he/she** fully understood the procedure.

#### Conclusion

#### Recommendation

**EMPLOYEE** has been given every opportunity to improve **his/her** attendance to an acceptable level and taking all the facts and actions taken to date, I recommend that this case should progress to a Formal Attendance Hearing

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## WILTSHIRE COUNCIL

### STAFFING POLICY COMMITTEE

16 December 2010

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#### **EMPLOYEE BUSINESS CONTINUITY POLICY**

##### **Purpose of Report**

1. This report presents the new employee business continuity policy which applies to all staff in an emergency situation and where the Corporate Business Continuity Plan has been invoked.

##### **Background**

2. The council have not previously had formal employee policies for business continuity, and have been requested by the emergency planning team to put some procedures in place.

##### **Main Considerations for the Council**

3. In compiling this policy key stakeholders were consulted including the emergency planning team, the legal team and the unions.
4. This policy is a temporary one designed to be activated during emergency situations such as:
  - a declared civil emergency
  - loss of staff e.g. due to a communicable, contagious, or pandemic disease
  - loss of access to work premises e.g. due to fire, asbestos, flooding
  - loss of utilities
  - loss of transport
  - loss of IT system/telecommunications
  - loss of key suppliers/contractors.
5. The policy addresses employee issues that could arise in maintaining key services to the public and service users during these emergency situations.
6. The policy is designed to inform staff and managers of the specific amendments to normal working arrangements which could apply in the event of the council responding to a major incident or emergency.
7. The policy covers the following arrangements:
  - the identification of key roles within the service area
  - temporary working arrangements, deployment elsewhere and alternative duties
  - working additional hours and non-standard patterns of work
  - temporary honoraria and acting up
  - working from home
  - special incident leave
  - flexitime arrangements, travel claims, annual leave and sickness leave
  - caring responsibilities

- reserved forces and other volunteers
  - contact arrangements
  - unreasonable refusal to work
8. The manager's toolkit also contains further information on dealing with a pandemic situation and making reasonable adjustments for those staff covered by the Disability Discrimination Act.
9. Points of particular note include:
- the possible consideration of payment of overtime to all grades of staff in an emergency situation rather than just those who are on grade SCP 28 or below (point 19).
  - the introduction of paid special incident leave for staff where a service is suspended and there is no suitable redeployment (point 39).
  - the carry over of annual leave into the next financial year where an employee is asked by the council to change their holiday plans even when this exceeds the current allowance of 5 days carry over per year (point 48).
10. Amendments to this policy may be required if updated information is received for the Government, for instance in the case of a pandemic.

#### **Environmental Impact of the Proposal**

None.

#### **Equalities Impact of the Proposal**

11. An equalities impact assessment will be undertaken on this policy on 14<sup>th</sup> December.

#### **Risk Assessment**

None

#### **Options Considered**

None.

#### **Recommendation**

12. To recommend Council approve the new business continuity policy.

**Barry Pirie**  
**Service Director**  
**HR & OD**

---

Report Author: Margaret Roots, Human Resources Policy & Reward team

**The following unpublished documents have been relied on in the preparation of this Report:** None

## **Wiltshire Council Human Resources**

### **HR Business Continuity Plan Policy and Procedure**

This policy can be made available in other languages and formats such as large print and audio on [request](#).

#### **What is it?**

This policy addresses human resource issues that could arise in maintaining Wiltshire Council's key services to the public and service users during an emergency situation. It is designed to inform staff and managers of the specific amendments to normal working arrangements which could apply in the event of the council responding to a major incident or emergency.

#### **Go straight to the section:**

- Who does it apply to
- When does it apply
- When does it not apply
- What are the main points
- Roles and Responsibilities

#### **Who does it apply to?**

All Wiltshire Council staff affected by an emergency situation which results in a service disruption or closure of service and where the Corporate Business Continuity Plan is invoked.

It does not apply to teaching and non-teaching staff employed in locally managed schools.

#### **When does it apply?**

This is a temporary policy which will only apply when the Wiltshire Council Corporate Business Continuity Plan is invoked by the Chief Executive or relevant Corporate Director in his absence.

As part of that declaration decisions will be made as to whether some or all of the arrangements in this policy will be activated.

The type of emergency situation that can result in a service disruption or closure of service includes:

- declared civil emergency.
- loss of staff e.g. due to a communicable, contagious, or pandemic disease.
- loss of access to work premises e.g. due to fire, asbestos, flooding.
- loss of utilities.
- loss of transport.
- loss of IT system/telecommunications.
- loss of key suppliers/contractors.
- strike action

### **When does it not apply?**

It does not apply when the council's services are operating normally.

### **What are the main points?**

1. In the first instance you will be expected to attend your normal place of work during a major service disruption unless prevented or otherwise instructed.
2. If your normal work facilities cannot be provided owing to a service disruption your manager's prime responsibility will be to maintain the critical and essential functions of their own service. These have been determined in the Corporate Business Continuity Plan with a 'coloured teams' system which prioritises job roles:
3. The identification of key roles for each service and allocation to the different coloured teams is the responsibility of heads of service. Post holders are identified in the individual services' 'Business Impact Analyses' and staffing lists are available in the service level business continuity plans.
4. In making these decisions heads of service and managers will need to take into account any DDA adjustments and care responsibilities you may have.
5. The four coloured teams and the likely time frame when post holders are expected to return to work are:
  - Red – roles required to deliver the most critical functions which need to be restored straight away after a service disruption.
  - Orange – roles required to deliver critical frontline or supporting functions which need to be restored within the first day after a service disruption.

- Blue – roles required to deliver important or supporting functions which need to be restored within the first week after a service disruption.
  - Green – roles required to deliver functions which can be suspended for a period of more than one week after a service disruption.
6. It is the responsibility of your head of service or line manager to cascade down to you and your colleagues details of what actions will be expected from you in an emergency and what coloured team you have been allocated to.

#### Temporary Working Arrangements

7. A number of temporary working arrangements might be identified and implemented which may apply to your working hours, work locations, duties, working from home or remaining at home for a period of time on special leave.
8. Any changes in working arrangements will be discussed with you in advance. All requests will be reasonable and will take into account individual skills and personal circumstances balanced against the needs of the organisation.
9. You will be expected to demonstrate a high level of flexibility in an emergency situation and make all reasonable attempts to find solutions to personal circumstances in order to attend work.

#### Temporary Deployment Elsewhere

10. Wiltshire Council reserves the right to temporarily deploy staff elsewhere as the need arises. This could be in a different department or location.
11. Once adequate and safe operating cover is established in a service area staffing levels will be assessed by managers to see if support can be provided elsewhere.
12. Any training or health and safety risk assessment necessitated by redeployment will be organised by the 'host' manager.
13. If lone working is required this will need to be assessed and appropriate control measures put in place as detailed in the lone working policy.
14. If you are to work unsupervised with vulnerable adults or children the

'host' manager is responsible for checking that you have CRB clearance at the appropriate level. If not a decision will need to be made if it is practical to proceed with getting CRB clearance for you or to find another member of staff who has the right clearance level. It may be possible for Human Resources to undertake an emergency CRB risk assessment which would provide a 'quick fix' until more satisfactory arrangements can be set up.

15. Special consideration will be given to young, pregnant, DDA covered employees and other staff with protected characteristics who should not be redeployed into inappropriate roles.

#### Temporary Alternative Duties

16. You may possess easily transferable or generic skills e.g. manual, customer care, IT, admin and clerical that can be used in your normal place of work or elsewhere in an emergency situation.
17. You may, therefore, be required to undertake reasonable alternative work outside of your normal job description. This is so support can be given to overstretched internal services. It is not expected that you would undertake a role for which you do not have the basic necessary skills or abilities nor undertake a professional role that you are not qualified in.

#### Working Additional Hours and Non-Standard Patterns of Work

18. You may be asked to work additional hours to help provide service cover and continuity. In the first instance managers will seek volunteers to work additional hours either within their own job roles or a redeployed one.
19. If you are required to work additional hours beyond your normal contracted hours and/or non standard patterns of work (e.g. evenings/weekends) you will be compensated through TOIL (time off in lieu) or overtime in accordance with your terms and conditions as detailed in the Pay and Reward – Overtime policy. In exceptional circumstances and depending on the type and duration of an emergency consideration will be given to all staff being paid for overtime.
20. As far as is practicable you are expected to find solutions to personal circumstances in order to attend work but consideration will be given to reimbursing additional costs that you may incur if you are requested to work outside of normal contracted hours such as childcare costs. This will be reviewed and decided on a case by case basis by the relevant Corporate Director.



21. You and your manager should maintain records of attendance and hours worked.

#### Working Time Regulations and Working Hours

22. Working arrangements are subject to the working time regulations. In an emergency the regulations for daily rest breaks, weekly rest breaks and the minimum 11 hours break between the end of work and the commencement of the next work period can be applied differently.
23. Breaks can be shorter but if you do not get your normal contracted breaks you will receive compensatory rest. This is a period of rest which is the same length as the period of rest or part of a period of rest that you have missed. It should be taken as soon as possible.
24. If you are a night worker the reference period to calculate the weekly working time limit can be extended from 17 to 26 weeks.
25. If your working hours are adjusted any health and safety risks need to be appropriately assessed by your manager.
26. Young workers aged under 18 but over school leaving age, are a protected category for whom managers must ensure appropriate working hours are adhered to. Breaks can only be reduced or cut short in exceptional circumstances. Compensatory rest must be given as soon as possible and definitely within three weeks.
27. Young workers are not allowed to work nights (10pm to 6am) other than in cases of 'maintaining continuity of service' provided there is no adult available to perform the duties, any training is not negatively affected and they are properly supervised.

#### Temporary Additional Responsibilities/Acting Up Honoraria

28. In order to provide service cover you may be asked to take on extra responsibilities at a higher pay scale in addition to your substantive post or to 'act-up' for a limited period of time. These payments can only be paid where the duties are undertaken for at least four weeks and authorised by the relevant Corporate Director.
29. To calculate the correct payment a retrospective significant differences form (SDF) needs to be submitted by the manager once the emergency is over.
29. If you are redeployed into a role at a lower grade you will continue to be paid at your substantive salary.

## Working from Home

30. If you are not required at your usual place of work or in another location and if homeworking is feasible your manager may request that you work from home. You will receive normal contractual pay but no overtime pay.
31. If you usually do not work from home but wish to do so in an emergency situation then this will need to be discussed and cleared with your manager beforehand.
32. Your manager should be clear with you about the work you are given to complete at home.
33. Depending on the type of incident it is possible that if you usually work from home you may be asked to report to work for service delivery or refrain from working from home to allow critical staff to operate.
34. If you work from home using the Ways of Working (WOW) remote access facility and have a citrix remote desktop facility you will be able to access your applications and files through a virtual desktop.
36. Access to the corporate network via WOW is limited by licensing but in an emergency it is possible for ICT to make a request for extra licenses.
37. To maximise the number of employees able to work from home using WOW you should not remain logged in for long periods of time but log out between sessions so you are not preventing others from accessing the network. You should work offline as much as possible.
38. If you are supplied with the new broadband lines and as long as the network is working you should be able to continue working from home as normal

## Special Incident Leave

39. Where some functions or services are suspended for a period of time and there is no immediate redeployment requirement and home working is not possible you may be sent home or asked to stay away from work. This will be regarded as special paid leave and affected employees will receive normal contractual pay but no overtime pay.
40. If you are advised to stay at home you must remain contactable and available for work as you may be called into work at short notice (i.e. the same day). You and your manager will be expected to keep in

regular contact with each other in order to keep abreast of the latest situation.

41. On your return from a period of special incident leave staff will be expected to maintain a flexible approach until council services are back to normal
42. If you are advised to stay at home and wish to take annual leave or you become unwell you should follow the normal reporting procedures.

#### Flexitime Arrangements

43. In order to maintain emergency service provision your manager may need to suspend flexitime arrangements. Flexitime is not an employee right and as outlined in the ways of working policy amendments to flexitime may be agreed by managers.

#### Travel Claims

44. If you are required to work at a different location to your normal place of work you may claim travel expenses in respect of any additional travel expenses you incur. Payments will be made in accordance with Wiltshire Council's agreed excess travel policy

#### Annual Leave

45. Annual leave arrangements still apply during an emergency. New requests for annual leave should be booked in accordance with normal procedures. It may be necessary, however, to limit annual leave in order to sustain services.
46. You may make an annual leave request due to caring responsibilities and your manager will need to take this into account when they consider your leave request.
47. All new annual leave requests will be decided on their merits and on a case-by case basis.
48. Pre-booked annual leave will be honoured but in exceptional circumstances where your services are deemed as critical the matter will be discussed with you. If you cancel a holiday at the request of the council then, if necessary, leave will be permitted to be carried over into your subsequent leave year even if this exceeds the normal 5 days carry over limit.
49. Pre- booked annual leave cannot be withdrawn where as the result of the emergency you would have been sent home.

50. Annual leave already booked will be considered as taken. However, in exceptional circumstances where holiday plans have been cancelled due to an external circumstance (e.g. the travel company has gone into administration, adverse weather conditions) your manager will have the discretion to reimburse some or all of the leave booked. You may be asked to provide evidence of the change in circumstances.
51. You will be expected to make every reasonable effort to attend work throughout the duration of an emergency.

#### Sickness Absence

52. The council's normal sickness absence policy and reporting procedures should be followed as set out in the Absence Management Policy.
53. Managers will handle sickness absence with care and sensitivity and any concerns dealt with on a case by case basis.
54. You will be expected to keep in regular contact with your manager.
55. Extra guidance has been prepared to take into account the difficulties you may encounter during a pandemic such as flu which is contained in the separate toolkit.

#### Caring Considerations

56. You are expected to attend work throughout an emergency unless your absence is authorised by your manager or you are sick and have complied with the absence management policy and/or HR business continuity policy.
57. You have a responsibility to find solutions to personal circumstances which enable you to fulfil your work commitments but there may be a number of reasons that mean you have difficulty in attending work such as family member sickness or disruption to nurseries and schools. It is acknowledged that the council's duty to sustain key functions and services need to be balanced with the pressures that will fall on members of staff who have caring responsibilities and work commitments.
58. Managers will support you by considering appropriate existing policies such as parental leave, annual leave, flexitime, unpaid leave, time off for family emergencies and compassionate leave.
59. In order to fulfil a caring role you may make a request for a temporary

change to your work location, working hours and working pattern.

60. Managers will handle all absence and temporary working arrangement requests with care and sensitivity and on a case by case basis.

#### Reserved Forces

61. If you are a member of the Reserved Forces you should have already informed the council about this commitment. The Reserved Forces are:

- the Royal Fleet Reserve
- the Army Reserve
- the Air Force Reserve
- Royal Naval Reserve
- the Royal Marines reserve
- the Territorial Army
- Royal Auxiliary Air Force

62. If the Government issues emergency powers members of the Reserve Forces services will be released from their contractual duties and responsibilities to assist in the protection of national security.

63. If you are not required for Reserve Forces duties you will be required to attend work as normal.

#### Other Volunteers

64. Other volunteers can be Retained Fire Fighters, Nurses, a member of a special disaster team etc. This is not an exhaustive list.

64. If you are a volunteer the council would expect you have already sought and obtained permission from your manager to work as one, particularly if you are required to be on call at work.

66. If you are called upon to 'volunteer' and have not obtained prior permission from the council then the request to be released from your duties can be reasonably refused.

#### Contact Arrangements

67. In order for you to be contacted in the event of an emergency and to be notified of any changes in your work arrangements etc. you are asked to make sure that relevant managers have your up-to date contact details. Managers will keep these contact details confidential.

68. It is possible that you may be contacted by a member of the emergency planning team during an emergency.
69. If contacted out of working hours you are expected to work cooperatively with your managers or members of emergency planning.

#### Unreasonable refusal to work/Unexplained absences

70. An unreasonable refusal to attend work could result in the disciplinary procedure being followed once working arrangements have returned to normal.
71. Whilst taking into account individual personal circumstances any unexplained absences may be dealt with under the council's disciplinary policy and procedure.

#### **Roles and responsibilities**

##### Employee responsibilities:

- in the event of an emergency be prepared for possible changes to your normal working arrangements which could affect your hours, location and duties.
- be aware of your role and responsibilities in an emergency – check this with your manager.
- demonstrate a high level of flexibility and make all reasonable attempts to find solutions to personal circumstances in order to attend work.
- work cooperatively with your manager(s) or members of the emergency planning team if you are contacted outside of normal working hours.
- inform your manager of any health issues, domestic circumstances that could affect your attendance or redeployment.
- record any extra hours that you work.
- keep in regular contact with your manager and make sure you are contactable.

- make sure your manager knows beforehand if you are a member of one of the Reserved Forces or you volunteer for an organisation whose services may be called upon in an emergency situation.
- follow any advice or precautions issued for specific circumstances such as a pandemic, communicable or contagious disease.

Line manager responsibilities:

- maintain your key services and functions.
- determine if support can be provided to other council services.
- brief staff beforehand what their roles are in an emergency situation and what actions will be expected of them.
- have contact numbers for essential staff and establish a contact system within your service.
- check if any of your staff are members of the reserved forces
- keep staff informed of any changes to working arrangements and keep in regular contact with them.
- arrange any training, health and safety risk assessments, lone working assessments and CRB clearances necessitated by the emergency.
- be mindful of the working time regulations and keep records of changes in hours and responsibilities of staff.
- take into account staff needs such as DDA adjustments, care responsibilities, pregnancy, young workers etc.
- be aware of policies to support staff, if applicable:
  - parental leave
  - annual leave
  - unpaid leave
  - time off for family emergencies and compassionate leave
  - absence management
  - flexitime
- handle staff requests about changes in temporary working arrangements, annual leave, sickness absence etc with sensitivity. Balance the caring responsibilities of staff against the needs of the service.

- arrange payments for overtime or TOIL and submit retrospective significant difference forms for staff who have taken on extra responsibilities.
- when the emergency is over or subsided deal with any unexplained absences or concerns.

### **Equal Opportunities**

This policy has been Equality Impact Assessed ([link to EIA for policy](#)) to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

### **Legislation**

Working Time Regulations

This policy has been reviewed by an external legal organisation to ensure compliance with (the above legislation and) our statutory duties.

### **Further advice and information**

There are a number of related policies and procedures that you should be aware of including:

For further information please speak to your supervisor, manager, service director or contact your HR advisor.

There is also a [toolkit](#) including manager guidance and supporting documents to use when following this policy and procedure.

Policy author	HR Policy and Reward Team – MR
Policy last updated/implemented	DD-MM-YYYY



## Toolkit

### Medical emergency such as pandemic flu

**These special arrangements will only be activated if approved by the Corporate Leadership team (CLT)**

#### Staff not displaying symptoms

1. If you are well you will be expected to attend work as far as is possible. You may need to take precautions to protect yourself from infection and to lessen the risk of spread to others. Where necessary health and safety risk assessments will be completed and personal protective equipment (PPE) provided.
2. If you have a pre-existing medical condition which carries a high risk of complications you will need to follow the latest government advice to minimise the risk of infection. Such conditions include those with respiratory disease, compromised immune systems, receiving chemotherapy treatment or are pregnant. If you fall into this category you must inform your manager immediately so they can obtain necessary advice.
3. A range of social distancing responses will be encouraged where this is practicable such as the use of teleconferencing, videoconferencing and electronic means of communication to avoid face-to-face contact.
4. If you have been in recent close contact with a probable or confirmed case of flu but do not have flu-like symptoms yourself you are not required to stay at home initially and should report to work as usual.
5. If you provide direct care through the course of your work you may come into contact with others who have symptoms of the pandemic. In these circumstances you will be kept informed of any additional health and safety measures that are implemented.

#### Staff displaying symptoms

6. If you feel ill during the pandemic the council will positively encourage you to stay at home until you are fully recovered. It is of paramount importance that staff displaying symptoms stay at home until these have disappeared, both for their wellbeing and to reduce the risk of spread to other members of staff.
7. Your manager will be responsible for ensuring that if you become ill at work with symptoms of the pandemic you do not remain at work. If you feel that you are developing the symptoms you are required to go home straight away and check your symptoms via the NHS. As in the recent

swine flu epidemic it is expected the government and NHS will set up information points such as helplines and websites for up-to-date information and advice. You will be expected to continue to seek NHS advice as appropriate and follow it.

#### Temporary working arrangements

- 8 While seeking to sustain the Council's key functions and services and in order to reduce the risk of spread of infection any of the temporary working arrangements already explained in the HR business continuity policy may be identified and implemented.

#### Special Sickness Certification Circumstances

9. To reduce the pressure on GP and medical services the CLT can approve the introduction of an extended 14 consecutive day self certification period. Until this is approved by the CLT the normal 8 day self certification period will apply.
10. When a doctor's certificate is required if you encounter difficulties in obtaining one you should refer the matter to your line manager who will decide if it will be possible for you to have up to 28 calendar days after the first day of sickness absence to submit a GP medical certificate.
11. Under normal circumstances if an end date is not specified on a medical certificate for an absence exceeding 14 consecutive days a certificate of fitness to resume work must be obtained from a GP. To avoid adding to the high demand for GP and other medical services during a pandemic this requirement may be suspended. However, if a manager has concerns about your fitness, you will be asked to provide a medical certificate of fitness for work. If you encounter difficulties in obtaining a doctor's certificate then you will remain at home on normal pay, not sick pay, until occupational health can review your case.
12. If you have more than one period of sickness absence during the pandemic you will be required to complete a self certificate form or obtain a doctor's certificate for each episode as detailed in the absence management policy.

#### Return to work

13. Once you are no longer showing symptoms and start to feel better you are no longer infectious and can return to work.
14. Return to work meetings should be held as set out in the absence management policy.

#### Monitoring levels of absence

15. In reviewing your sickness absence your manager will take into consideration the unusual circumstances of absences directly related to the pandemic.

#### Sick Pay

16. There will be no changes to the period that sick pay will be paid or the rate of sick pay during a pandemic. Although entitlement to sick pay may need to follow the guidance set out in this policy relating to certifying sickness absence rather than the procedures that would normally apply.

#### Unexplained Absences

17. Every effort will be made by managers to support you and take into account individual personal circumstances but should you fail to co-operate with a reasonable request made under this policy or are absent from work for no apparent reason then the council reserves the right to consider using the disciplinary policy.

#### Wellbeing

18. A pandemic is a public health matter but there are clear health and safety requirements to protect you and service users who come into contact with infectious micro-organisms. Throughout a pandemic occupational health will continue to provide normal services to all staff including access to professional counselling. All employees will be expected to follow any guidance provided by the government through its Directgov/NHS websites.

## **Toolkit**

### **Business Continuity and DDA Adjustments**

1. Your manager needs to be aware if you have a medical condition that is covered by the Equality Act and for which reasonable adjustments have been made. You will not be put at a substantial disadvantage by any employment arrangements or any physical feature of the workplace necessitated by changes owing to a business emergency.
2. Depending on the nature of your disability consideration may need to be given to:
  - the suitability of premises in a redeployment
  - travelling difficulties
  - the effects that changes in working patterns/hours/duties may have on you.
3. If you already have specific adjustments in place in your normal place of work such as special equipment, hours of work these would need to be honoured.
4. With a temporary redeployment or temporary role change further flexibility and adjustments may need to be discussed with you such as starting and finishing times.
5. Managers need to bear in mind all staff members who are covered by the DDA as this could have implications on the corporate business continuity plan and business impact analyses in the allocation of critical roles.
6. This does not mean temporary redeployment to a different location or role is inappropriate as so much will depend on the disability and individual circumstances.
7. Your manager may need to do an employee well being risk assessment, consult with an HR Advisor or contact Occupational Health for advice on your DDA implications.
8. If you are not able to continue working at your normal place of work and a suitable alternative location is not available other alternatives may have to be considered such as working from home or in extreme circumstances allowing special leave.

## WILTSHIRE COUNCIL

### STAFFING POLICY COMMITTEE

16 December 2010

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#### **DEATH IN SERVICE POLICY**

##### **Purpose of Report**

1. This report presents the new death in service policy.

##### **Background**

1. The council have not previously had formal employee policies for death in service, and have been requested by the emergency planning team to put some procedures in place.

##### **Main Considerations for the Council**

2. In compiling this policy key stakeholders were consulted including the emergency planning team, the legal team and the unions.
3. The policy gives advice on the actions required if an employee dies or is injured whilst working for the council. This could include death by natural causes or be as the result of an accident at work.
4. The policy covers the following arrangements:
  - the notification of emergency services, management, next of kin, and the occupational health department
  - dealing with media enquiries
  - dealing with a large scale incident
  - informing staff members, customers and suppliers
  - payroll implications
  - funeral arrangements
  - staffing cover issues
5. The policy also includes a section on line manager responsibilities and a number of FAQs.

##### **Environmental Impact of the Proposal**

6. None.

##### **Equalities Impact of the Proposal**

7. An Equalities Impact Assessment will be undertaken on 14<sup>th</sup> December 2010.

##### **Risk Assessment**

8. None

##### **Options Considered**

9. None.

**Recommendation**

10. To recommend Council approve the new death in service policy.

**Barry Pirie  
Service Director  
HR & OD**

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Report Author: Margaret Roots, Human Resources Policy & Reward team

**The following unpublished documents have been relied on in the preparation of this Report: None**

## **Wiltshire Council Human Resources**

### **Death in service policy and procedure**

This policy can be made available in other languages and formats such as large print and audio on [request](#).

#### **What is it?**

The policy gives advice on the actions required if an employee dies or is injured whilst working for the council. This could include death by natural causes or as the result of an accident at work.

#### **Go straight to the section:**

- Main Points
- Roles and Responsibilities
- Frequently Asked Questions

#### **Who does it apply to?**

Employees of Wiltshire Council.

#### **What are the main points?**

##### Considerations

1. Dealing with an employee's death is one of the saddest and most difficult issues you will ever have to deal with and needs to be handled with great care and sensitivity to prevent any additional distress for bereaved relatives and colleagues and to ensure seamless administration
2. Managers will need to consider the welfare and emotional state of staff directly affected by the situation and consider how to support next of kin of the deceased or injured.

##### Initial Notifications

3. Any death in the workplace must firstly be reported to the Emergency Services. The person must not be moved before they arrive.
4. If an employee is seriously injured call the emergency services and a First Aider if the accident occurred within council premises.

5. Within the council the following people need to be notified:
  - appropriate manager
  - appropriate corporate director
  - occupational health and safety service
  - head of communications
  - designated HR business partner
6. Outside of normal office working hours individual directorates need to make their own arrangements for having out of hours emergency contacts.

#### Notifying next of kin of a staff fatality

6. The police may assume the responsibility of informing the next of kin and may ask the employee's manager to provide details of next of kin together with their addresses and telephone number.
7. If the police are not going to inform the next of kin then a manager who knew the employee well may be the most appropriate person to break the news or sometimes a colleague who knows the family well may volunteer.

#### Notifying Occupational Health and Safety

8. Occupational Health & Safety need to be notified in order for them to make sure the statutory reports for the Health and Safety Executive are completed.
9. OH can also provide access to trauma and bereavement counselling.

#### Media Enquiries

10. The extent of any media interest will depend on the circumstances surrounding the employee's death at work. Any enquiries from the media must be referred to the communications team.

#### Large Scale Incident

11. Where an employee dies as a result of a larger incident involving several people the police and Wiltshire Council are likely to set up aid centres. The type of aid centre that could be set up will depend on the nature and scale of the emergency but could include a Survivor Reception Centre, Friends and Family Centre and a Humanitarian Assistance Centre.
12. A casualty bureau may also be set up by the police to collate details of



dead, surviving and evacuated persons. The casualty bureau is set up to deal with enquiries from friends and family concerned about people possibly caught up in the incident.

13. The police may start an investigative process and employees will be expected to cooperate with any official investigation. Police officers trained in family liaison will obtain details of those persons involved in the incident to assist the Coroner in providing evidence of the deceased person's identity and for the senior investigating officer (SIO) who will deal with the police investigation.

#### Informing and dealing with staff members

14. Whatever the reason, when an employee dies, it is necessary for an appropriate manager to inform other members of staff. This will need to be done with sensitivity and compassion and should be done with as much honesty as possible about the cause of death. It is advisable to:

- inform those closest to the employee first.
- communicate the news in a private environment
- allow staff time off to grieve and attend the funeral taking into account service delivery.
- operate an open door policy to those staff members suffering from emotional distress.
- encourage employees to seek counselling if necessary which can be accessed through the Occupational Health Service.

#### Informing customers and suppliers

15. A decision will need to be made if customers and suppliers who dealt with the employee are to be informed and how this will be conveyed. The approach will largely depend on the relationship that each service or person had with the deceased employee. For some it may be appropriate to send a letter for others a telephone call would be preferable. Service users will need to be kept informed of any disruption or alteration to service provision.

#### Letter of condolence to the next of kin

16. A letter of condolence needs to be sent to the next of kin by the chief executive or corporate director. The letter should provide the next of kin with a named contact should they have any queries or concerns they wish to raise.

#### Payroll and pension considerations

17. A leavers form for the deceased employee needs to be completed by the manager and sent to the Shared Services HR/Payroll team promptly. Human Resources can provide assistance with this. As soon as this form is received the processing can begin by payroll for any salary owing and by pensions for any entitlement to death in service benefits and pension entitlement.
18. As this is a worrying and upsetting time for the next of kin the named contact can allay some of their concerns by keeping the next of kin informed when they can expect to receive final salary payment and pension benefits.

#### Funeral arrangements

19. When a date for the funeral is set it is best to check with the next of kin whether colleagues of the deceased are welcome to attend and if it would be fitting to organise a floral arrangement or arrange some other tribute and allow employees to contribute towards this.
20. It may also be pertinent to arrange a memorial service especially if the funeral was a small, private service. It is always necessary to consult with the next of kin and to be aware of any religious sensitivities before making any arrangements.

#### Staffing Issues

21. Skill shortages will need to be determined and available options considered in order to maintain services.
22. In the short term this could mean reallocating work to existing staff or taking on a temporary member of staff.
23. In the long term this could be following the current recruitment process to find a replacement.

#### Roles and responsibilities

##### Employee responsibilities

24. Though no one likes to think this situation will happen to them it is important that you enter your next of kin details on SAP. There is a question and answer in Frequently Asked Questions if you are unsure how to do this.
25. If you are a member of the Wiltshire pension fund make sure you have completed a nomination form for who you want to receive your death

grant. <http://www.wiltshirepensionfund.org.uk/expression-of-wish-form.pdf>

#### Line manager responsibilities

26. Make sure you have next of kin details and/or emergency contact details for your staff and keep these secure.
27. Notify appropriate managers within your department and set up out of office manager communication channels.
28. Make sure your employees have entered their next of kin details and/or emergency details on SAP by using the SAP portal which is accessible through the Wire.
29. Offer to help your staff input their next of kin and emergency details on SAP or get them to complete a Change of Employee Details form.
30. Check and, if necessary, arrange who will notify next of kin – is this the police, appropriate manager or work colleague?
31. Complete the accident/near miss report and investigation form available under forms on HR Online. Liaise as necessary with Occupational Health and Safety.
32. Arrange counselling for colleagues through Occupational Health if appropriate.
33. Inform work colleagues and if necessary notify customers, suppliers and service users.
34. Arrange for a letter of condolence to be sent.
35. Complete leavers form for payroll and pensions.
36. Check with the next of kin what the funeral arrangements and if there are any restrictions on attending.
37. Deal with staffing implications.

#### Frequently asked questions

38. Who should have details of my next of kin?

Prior to the formation of one council there were various systems for recording details of next of kin. Because of the many changes and to

standardise procedures you should make sure your immediate manager has details of your next of kin and, if different, your emergency contact details.

With the installation of SAP there is the facility for your next of kin details to be entered on the system. You can enter these details by using the SAP portal. The information will be pulled through from the SAP portal on to the main SAP data system.

If you are in the Wiltshire Pension fund you should complete a form designating who should benefit from your death grant.

### 39. How can I enter or change my next of kin details?

Guidance is given in the SAP User Guide on how to enter or change personal information on SAP through inputting the information into SAP Portal. In the personal information section the addresses section allows you to enter a new next of kin address. The user guide can be accessed through the Wire. <http://thewire.wiltshire.council/ess-workbook.pdf>

Alternatively, a HR Change of Details form can be completed and returned to the Shared Services HR/Payroll team. This form is available on HR Online under HR forms <http://hr.wiltshire.gov.uk/employee-personal-information.rtf>

### **Equal Opportunities**

This policy has been Equality Impact Assessed ([link to EIA for policy](#)) to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

Managers will make any necessary adjustments to ensure that all employees are treated equally. For further information see the guidance on equal opportunities in ([link to equal opps guidance](#))

### **Further advice and information**

There are a number of related policies and procedures that you should be aware of including:

For further information please speak to your supervisor, manager, service director or contact your HR advisor.

There is also a **toolkit** including manager guidance and supporting documents to use when following this policy and procedure.

Policy author	HR Policy and Reward Team – <b>(MR)</b>
Policy last updated/implemented	DD-MM-YYYY

DRAFT

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