1. **Purpose of Report**

1.1 The purpose of this report is to seek approval of the revised policies on Managing Attendance and Redeployment, attached in Appendices 1 and 2.

1.2 It should be noted that one of the proposals is to re-title the Sickness Absence Management Policy to the "Managing Attendance Policy". The reason for this is to encourage a more proactive approach to the management of sickness absence.

2. **Background**

2.1 Cross service working groups were tasked with conducting a review of the council's Managing Attendance and Redeployment Policies, subject to consultation with the trade union side and the employee forums.

2.2 The concerns raised by the trade union side and the employee forum members cover various issues on both policies. To a certain extent their comments have been incorporated in the proposed revised policies, associated guidance or other action has been agreed.

3 **Managing Attendance Policy**

3.1 The working group considering the Managing Attendance Policy comprised of Human Resources representatives from Corporate Human Resources and each of the services along with some managers from the services. There was extensive consultation within all of the services and also with the trade union side and the employee forums. The proposed revised policy is attached at Appendix 1 and the changes are highlighted in italics.

3.2 The working group agreed that the following areas should be addressed:

- Re-title the Sickness Absence Management Policy as the "Managing Attendance Policy" as mentioned in paragraph 1.2
- Remove confusion over the triggers in the policy as they differ for formal review meetings and referral to occupational health
- Striking a balance between supporting employees and taking action, including disciplinary action, where appropriate and providing flexibility within an agreed reference framework
- Clear guidance to managers on dealing with capability/conduct issues
- Clear guidance to managers on dealing with stress cases
- The provision of standard documentation to assist line managers with the process of managing attendance
- Review of complementary policies such as special leave which was approved at full council on 7 February 2008.
3.3 Many of the concerns of the trade union side and the employee forums have been alleviated through further discussion and clarification. The revised Managing Attendance Policy and associated guidance note cover many of the points raised during the consultation process. The summary of requests from the trade union side and the employee forums contained in Appendix 3 has been incorporated in the policy, associated guidance or other action has been agreed.

3.4 However, there are some areas where their comments have not been accommodated and these are included in Appendix 4 setting out the rationale for this.

3.5 Many of the concerns from the trade union side and the employee forums lie in the application of the current Sickness Absence Management Policy. The revised Managing Attendance Policy is not intended to cover all situations, but is there to provide a framework for reference. This is supported by a guidance note and also through training for line managers in the application of this policy. There will be further training carried out in spring 2008 to link in with the re-launch of the revised Managing Attendance Policy. Managers will require to confirm in writing that they have received the revised Managing Attendance Policy and they will implement it.

4 Redeployment Policy

4.1 The working group considering the Redeployment Policy agreed that the following areas should be addressed:

- Clarification on the circumstances when the council will consider redeploying employees
- Clarification on the role of the service in relation to redeploying employees
- Clarification on the role of corporate HR to support and facilitate the redeployment of employees in conjunction with the services
- Preservation of salary for 4 weeks as part of a work trial period in a redeployment situation
- Revised procedure for matching employees in a redeployment situation against identified vacancies across the council
- Revised personal profile which has to be completed for any employee being considered for redeployment

4.2 The revised Redeployment Policy is attached at Appendix 2 and the changes are highlighted in italics.

4.3 The summary of requests from the trade union side and the employee forums contained in Appendix 5 has been incorporated in the policy, associated guidance or other action has been agreed. The areas where their comments have not been accommodated are included in Appendix 6 setting out the rationale for this.

5 Recommendation

5.1 It is recommended that the Sub-Committee approves the revised Managing Attendance and Redeployment Policies.

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Head of Human Resources
Encs.
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Managing Attendance Policy

Corporate Services
Human Resources Division
February 2008
Contents

1 Introduction

2 Scope

3 Principles

4 Associated council policies and procedures

5 Responsibilities

6 Monitoring and review

7 Occupational health service

8 Categories of absence

9 Process to deal with managing attendance

10 Disability discrimination

11 Payment for sickness absence
1. Introduction

The council values the contribution made by its employees and recognises that high levels of attendance at work by employees is a vital factor in the efficient operation of its services. High levels of attendance at work will contribute to, and provide positive assistance in the planning and provision of quality services and the achievement of high morale among employees. This policy should be read in conjunction with the associated guidance note on managing attendance.

2. Scope

This policy applies to all employees with the exception of teachers for whom separate, comparable, contractual provisions exist.

3. Principles

This policy is founded on the following principles:

(i) Reducing sickness absence will have a positive effect on service provision.

(ii) Whilst employees are entitled to expect fair treatment, the council is equally entitled to take appropriate action in respect of unacceptable levels of sickness absence. Irrespective of the genuineness of the absence(s) there may come a point at which the council has to terminate an employee’s contract of employment if the length or frequency of absences becomes unsustainable.

(iii) Best results will be achieved where management, employees and trade unions are agreed on the need for a framework to deal with sickness absence.

(iv) Good management practice is best developed by having clear, equitable, and consistent standards and procedures and by recognising that managers have to exercise careful consideration and judgement to achieve the correct balance between supporting employees and taking action, including disciplinary action, where appropriate.

(v) Practices of the past must not discourage the aim of full attendance or the use of procedures to achieve that goal.

(vi) In dealing with sickness absence cases, managers must be aware of, and comply with, the terms of other relevant council policies, particularly the Special Leave Policy (refer to paragraph 4. for list of other relevant council policies and procedures)

4. Associated council policies and procedures

4.1 In dealing with sickness absence cases, managers must be aware of and comply with the terms of other relevant council policies such as:

- alcohol and drug dependency
stress
maternity
redeployment
training
special leave (which includes carers leave and career breaks)
flexible working
health and safety policy, section 34 support for mental health and wellbeing

4.2 These policies are available on ConnectNL at http://connectnl/Employeelnformation/Employeepolicies%20and%20Guidance/Forms/AllItems.aspx or from your line manager and further advice is available from the relevant Human Resources team.

4.3 Examples of special leave provisions are:

- leave for medical purposes such as routine medical treatment, GP appointments, hospital appointments which can include rehabilitation treatment
- bereavement
- time off for dependants for illness, injury, assault of a dependant
- the unexpected disruption or termination of arrangements for the care of a dependant
- attending hospital with a dependant
- maternity support leave and statutory maternity leave
- career breaks and carers leave.

The circumstances may vary when carers leave for a dependant is required, but could include time off for the following:

- to care for a dependant recovering from surgery/hospital stay
- while a dependant is in hospital
- to care for a dependant who is terminally ill
- to provide respite care.

4.4 In addition, all available assistance such as phased return (normally over a six week period), part time working, re-training, and suitable alternative duties must be considered and will be offered as appropriate.

5. Responsibilities

5.1 Employees responsibilities

(i) To look after their general health and wellbeing and seek medical or other support where necessary in order to minimise their sickness absence from work.

(ii) To comply with the council's notification and certification procedures and advise their line manager on the first day of absence within an hour of normal starting time or within such other timescale which may be specified by services. Further notification must be made on the fourth and seventh day of absence and, thereafter, on a weekly basis, or at such longer intervals as services deem appropriate in individual
cases. However, there may be alternative arrangements which will be determined by the manager/supervisor.

(iii) To provide a self-certificate for the first seven days of absence and to ensure that all other sickness absence is covered by medical certificates.

(iv) To ensure that medical certificates run concurrently and are forwarded to line managers timeously, as failure to do so will affect sick pay entitlement.

(v) To attend any appointment or undergo examination by any medical or specialist practitioner identified by the council in relation to the management of their sickness absence. *The terms of the Access to Medical Reports Act 1988 will apply where employees have a right to access the information provided by the G.P.* If the employee is unwilling to sign the medical consent form, they should be advised that they will still be required to attend for a medical examination and a decision will be taken regarding employment based on the information available to the manager.

(vi) To maintain contact (either face to face or by telephone) with their line manager and adhere to the established practice of conducting attendance meetings at the employee's place of work or any other suitable council establishment unless a medical reason is provided to preclude attendance at work venues.

(vii) To promptly make their line manager, or other designated person aware if they consider their sickness absence to be connected with their job and to explain their perceptions in relation to this. This should be confirmed in writing. They should also co-operate with their manager with any future action identified as a result of these discussions.

(viii) To attend return to work interviews and other sickness absence management meetings.

(ix) To accept and comply with appropriate medical and other advice and support measures to minimise sickness absence.

5.2 Managers responsibilities

(i) To manage sickness absence and apply the terms of this policy fairly and consistently, taking account of individual circumstances.

(ii) To maintain and apply appropriate sickness absence monitoring and review systems and procedures.

(iii) To advise employees of the importance of minimising sickness absence and ensure they are aware of their responsibilities.

(iv) To advise employees who they should contact to report a sickness absence and the timescales within which this contact should be made.
6. To have an up to date understanding of current policies and available support measures with the aim of assisting employees to maximise their attendance at work.

(vi) To have an up to date understanding of their responsibilities in terms of considering "reasonable adjustments" where an employee has a disability in line with the Disability Discrimination Act 1995, as amended.

(vii) To treat information regarding an employee's health in a sensitive and confidential manner.

(viii) To manage health and safety in the workplace with the aim of minimising sickness absence.

(ix) To participate in training related to managing sickness absence and maximising attendance.

(x) To request medical and specialist advice where appropriate.

(xi) To maintain contact with absent employees.

(xii) To conduct return to work interviews and other sickness absence management meetings.

(xiii) To take appropriate management action to deal with sickness absence.

(xiv) To advise employees of the potential for termination on the grounds of capability, ill health or conduct if there is no significant improvement in the attendance levels and to deal with these cases in line with the council's policies, procedures, conditions of service and employment legislation.

6. Monitoring and review

6.1 Monitoring

The information provided by monitoring systems needs to be up to date, comprehensive, accurate and relevant to enable appropriate management or medical interventions to be identified to assist managers in managing the overall attendance of their team/division and also individual employees.

On a regular basis, managers must assess the information provided by the monitoring systems and identify the appropriate management or medical interventions. An important aspect of this monitoring process will be conducting meetings, with employees. It is important for managers to keep in touch with employees on long term sickness absence (normally any continuous absence over 20 working days) and arrange regular contact. Managers should also have a welcome back strategy to assist the employee with an effective transition back into the workplace. This could include some or all of the following:

- Visit to meet colleagues informally to update them prior to a formal return to work
- The line manager could produce a briefing summarising the main activities relating to their job which have occurred during their absence and summarising any structural/ procedural changes that may affect them
- A note of any staffing changes and office social news
- Arrangements for returning from a lengthy period of sickness absence to discuss phased return etc. if appropriate
- Post return monitoring should also take place to ensure the employee is settling into work

Some of this information could be sent to the employee prior to their return to work.

After each period of sickness absence, the line manager must conduct a return to work interview with the employee. Managers must also arrange attendance review meetings where appropriate as detailed in section 6.2 of this policy. As part of the monitoring process, an auditing mechanism is in place to ensure that the council’s managing attendance policy is being adhered to and administered consistently across the council. This audit will be carried out on an annual basis with follow up checks carried out to ensure the recommendations have been implemented.

6.2 Reviews

Monitoring of absence is intended to ensure that employees are treated fairly and consistently. Trigger levels are a tool to assist managers in keeping track of the frequency of an employee’s absences, and to highlight at the earliest stage, when management intervention is required. At the earliest stage when a manager becomes concerned about the employee’s level of attendance the matter will be raised with the employee and the employee advised of the concern, as follows:

The manager must hold a meeting with the employee when the sickness absence record falls into one of the following categories:

- 3 periods of sickness absence in a rolling 12 month period,
- 8 days cumulative absence in a rolling 12 month period, or
- 2 weeks continuous absence.

Please note that a period of absence is defined as a minimum of one working day at any one time.

The manager must advise employees that they can if they so wish be accompanied or represented at such review meetings by a work colleague or trade union representative.

7. Occupational health service

7.1 The council’s occupational health arrangements sit within our absence management arrangements overall, but are a separate and distinct element of these arrangements. The council’s occupational health provider does not manage absence for the council. They provide a medical advisory service
which provides managers with information to allow them to make informed decisions based on policy and in light of any medical advice received, including medical health reports. This includes a physiotherapy service which is available for all council employees whether present or absent from work. This is just one aspect of the council’s pro-active approach to managing attendance. Recognising the importance of obtaining up to date professional medical information and advice, the council appoints an independent occupational health provider.

7.2 **Referral to the occupational health physician/adviser**

The point at which an employee is referred for examination by the medical advisor will depend upon the particular circumstances of the case. Each case will depend on its own facts and careful consideration and judgement will have to be exercised by managers before determining which option to pursue.

However, at a minimum, an employee will *normally* be referred in the following circumstances:

- Where an absence is attributable to work related stress, irrespective of the duration or likely duration of the absence, or
- **After 4 weeks continuous absence**

Where the prognosis/timescale for a return to work is straightforward (e.g. where an employee is recovering from planned surgery/fracture) referrals may be delayed, but even in these cases the manager should consider whether referral may assist with the process of rehabilitation back to work. Advice can be sought from the relevant Human Resources team in conjunction with the occupational health physician/adviser directly. This may include seeking advice by telephone from the occupational health advisory helpline for managers rather than making a referral.

7.3 **Absences attributable to stress**

In cases relating to stress, every effort will be made by both parties to try and resolve the problems quickly, although it is acknowledged that this may be difficult, especially with personal (non-work related) stress.

It is important that an early meeting is arranged to ascertain how the manager can assist or provide support to the employee. This support could take the form of any of the following:

- referral to the employee counselling service (ECS)
- providing details of other appropriate agency e.g. Relate, Cruise
- providing details of money advice or welfare rights officer
- self referral to Housing and Social Work Services, where appropriate in cases of homelessness, domestic abuse etc.
- referral to occupational health
This is by no means an exhaustive list; however, it is important that the manager tries to assist the employee whenever possible, dealing with this sensitively, being mindful of the employee’s welfare.

Further information on dealing with this can be found in the guidance notes for managing attendance and in the council’s policy on managing stress in the workplace.

7.4 **Procedure for medical examinations**

In addition to referrals triggered by the above circumstances, employees will be required to attend any appointment or undergo examination by any medical or specialist practitioner deemed appropriate by the council for the purpose of managing absence. *This will be done in line with the terms of the Access to Medical Reports Act 1988.*

The occupational health physician/advisor must be provided with all relevant information relating to the employment, such as the employee’s duties and responsibilities, the absence record and any background information that may assist the occupational health physician/advisor in considering the case.

Prior to any such referral, the employee will be advised by their manager:

- that he or she is required to attend an appointment with the occupational health physician/advisor,
- of the reason for the referral,
- of the information that will be sent to the occupational health physician/advisor, and
- of the nature of the information that the occupational health physician/advisor will be asked to provide.
- of appropriate support and advice that is available such as trade unions and employee counselling

Only if it is not possible to convene a meeting with the employee, the manager will provide the information in writing or by telephone.

Where employees fail to comply with a requirement to attend for a medical examination without reasonable cause, this may be considered under the council’s disciplinary procedures. On receipt of the report from the occupational health physician/advisor the manager will meet with the employee to discuss the following:

- the content of the report,
- any other action which the manager requires, or proposes, to take,
- any action required or proposed by the employee,
- the requirement for further medical or management interventions.
A letter confirming the points outlined at such meetings will be sent by the line manager to the employee. Only if it is not feasible to convene a meeting will the information be provided by letter without prior discussion.

In the event that the employee provides medical information contrary to that of the occupational health physician/advisor, the employee will be referred back to the occupational health physician/ adviser in the first instance. Thereafter, an independent medical opinion may be sought.

8. Categories of absence

'Sickness absence' is the generic term used to describe absence where the employee is incapable of carrying out the work for which he or she is employed to undertake because of a specific disease or bodily or mental disablement. However, for the purpose of this policy, sickness absence falls into two distinct categories:

- Sickness absence which is attributable to an underlying medical condition, as opposed to

- Periods of sickness absence which are unrelated and not attributable to a particular medical condition.

In light of this distinction, there is a different process to manage absences within each category, although it is essential that in both the principles and processes applied are fair, consistent and equitable.

9. Process to deal with managing attendance

9.1 Underlying medical condition

9.1.1 Cases in this category involve long term or substantial intermittent absences which, on the basis of medical certification or information, are the result of an underlying medical condition.

In these cases, managers must obtain full and up-to-date medical advice and arrange regular meetings with the employee in the course of an absence, or over the period during which absences recur.

Meetings should be arranged at appropriate intervals to reflect the particular circumstances of the case. However, as a guide these should be convened:

- every six weeks during protracted periods of absence; or

- in accordance with the review periods outlined at 6.2 above, and

- in any event after each medical appointment.

Discussions at these meetings will include:

- the managers position in light of the medical information available,
• the employees opinion as to his or her medical condition in light of the medical information available,

• the arrangements in place to ensure the work is carried out during the absence,

• any operational issues arising during the absence,

• the required timescales for return to work, or in cases of recurring absence, the required standard of attendance,

• the medical advice regarding the work the employee will be capable of performing on return to work or in the longer-term,

• any support measures or adjustments that might assist the employee return to, or remain at, work,

• the need for, or benefit of, further medical advice, and

• when appropriate, the ultimate outcome if the absence or level or absence becomes untenable.

Written confirmation of the points outlined at such meetings must be sent to the employee.

In general, the occupational health physician/advisor will recommend reviews at appropriate intervals in the course of an absence or over the period during which absences recur. However, managers will initiate additional or alternative medical appointments as necessary to ensure the effective management of the absence.

9.1.2 At an appropriate stage, preferably early on in the process, employees must be advised that the potential ultimate outcome of ongoing absence may be termination of employment.

9.1.3 Termination on the grounds of capability

While it is inappropriate to issue formal warnings in cases where there is an underlying medical condition, the employee must be fully aware of the manager's position and that the potential ultimate outcome of the continued absence or level of absence is dismissal. There is a distinction between termination on the grounds of capability and disciplinary action for absences (possibly dismissal) as a result of conduct. If termination is a possible course of action in cases where there is an underlying health condition, the manager must have discussed this option with the relevant Human Resources team and the employee at an earlier stage and confirmed this to the employee in writing.

9.1.4 While the process for termination on the grounds of capability is broadly similar, managers should be aware that capability is not a conduct issue. Where there is an underlying medical condition, the reason for termination is based on the fact that normally the level of absence is unsustainable in the longer term. In cases of capability, the employee should be asked to attend a meeting with the employee's line manager and the employee has the right of
representation at such a meeting. The meeting will be convened broadly in accordance with the agreed disciplinary procedures i.e. the employee will be advised of the purpose of the meeting in writing and will have the right to representation. The employee can explain their views of the case being presented by management. As a result of this process, a decision will be reached and the employee will be advised of the decision in writing.

9.1.5 An employee who is dismissed from the employment of the council on the grounds of capability/ill health will have a right of appeal initially at service level. The employee must lodge such an appeal with the Executive Director of the relevant service within 14 days of the date of dismissal. Thereafter, within 14 days of notification of the outcome of the appeal, a further right of appeal is available to the Policy and Resources (Human Resources Appeals) Sub-Committee by lodging such an appeal with the Head of Human Resources.

9.1.6 While it is imperative that up to date medical information is available prior to dismissal, the decision to dismiss or not dismiss is not solely a medical issue, but a decision to be made by the manager taking into account all relevant information including the available medical evidence. In all cases every effort will be made to identify reasonable adjustments or provide other assistance to prevent this ultimate decision. Advice can be sought from the relevant Human Resources team.

9.1.7 Ill health retirement

Ill health retirement applies to employees who are members of the Local Government Pension Scheme and who are deemed to be permanently unfit for work. Permanently unfit means that the employee is permanently unfit for their current employment or any other comparable employment with this council. The test is based on current medical knowledge and whether or not the employee will be incapable of undertaking his or her job or available comparable job. However, the decision on ill health retirement lies with the occupational health physician. Ill health retirement may involve the immediate, and in many cases, enhanced payment of pension and lump sum.

Ill health retirement is not a process out with the normal absence management procedures and must therefore be handled in the same way as any cases attributable to an underlying medical condition.

9.1.8 Capability

9.1.8 (i) If an employee has been absent from work on a continuous long term basis or has had substantial intermittent absences due to a recognised underlying health problem(s), there will come a time when the absence(s) cannot continue to be sustained. Whilst it would be inappropriate to issue formal warnings through the disciplinary procedure, the employee needs to be made aware early on that they need to maintain a satisfactory level of attendance and failure to do so may ultimately result in termination on the grounds of capability.

It is important that the employee is referred to the occupational health physician and all medical advice considered. The length of service of the individual and medical prognosis etc. must be taken into account. This is
often a lengthy process because the employee should have every opportunity to return to the workplace.

It is particularly important that an employee who is absent from work, has regular meetings with their manager. The manager is responsible for ensuring the council is doing all they can to support this individual.

9.1.8 (ii) Capability meeting – level 1

If the absence is causing concern then the manager, after consulting an officer within their Human Resources team, should set up a 'Capability Meeting – level 1'. The following should be discussed:

- Pattern of absences (if applicable)
- Monitoring periods
- Likelihood and date of returning to their current post
- Likelihood and date of returning to their current post, with adaptations
- Likelihood and date of returning on reduced hours
- Likelihood and date of returning to a different post if appropriate and all other options have been exhausted
- Other potential outcomes/options
- The latest occupational health report and advice provided by the occupational health physician. This may include consideration of redeployment if applicable, where other alternatives have been exhausted

At this meeting the manager would explain that the employee’s absence can no longer be sustained is causing concern and cannot be sustained indefinitely.

The employee should be advised therefore that their absence will be monitored over a set period of time to be determined. It is the responsibility of the manager to explain that if their attendance does not improve/or they are unable to return to work, then the ultimate outcome may be termination on capability grounds. The employee would then be given a period of time in which to discuss their situation with their medical practitioners. The employee has the right to have a trade union representative or other appropriate person in attendance.

9.1.8 (iii) Capability meeting – level 2

If the employee was still unable to provide a suitable date to return to work at the end of the monitoring period i.e. if the level of absence can no longer be sustained (and if ill health retirement is not supported), then the manager would arrange to meet with the individual at a 'Capability Meeting – level 2. The manager must have an up to date medical opinion so that this can be discussed at the level 2 meeting. The employee has the right to have a trade union representative or other appropriate person in attendance.

At this meeting the manager would discuss all medical opinion, particularly the latest report from occupational health and the employee’s views on their continued absence. If no return to work date is imminent or if the absences are such that the level of absence cannot continue to be sustained, then the employee should be advised that their employment will be terminated on capability grounds with appropriate payment in lieu of notice. The employee would have the right to appeal against this decision, initially at service level.
Thereafter, they have a further right of appeal to the Policy and Resources (Human Resources Appeals) Sub-Committee. All meetings should be carried out in a sensitive manner.

9.2 No underlying medical condition

Cases in this category involve absences which are unrelated and, where on the basis of medical advice, there is no underlying medical condition detrimentally affecting the employee's overall capability. The fact that such absence may be covered by medical certificates and that there may be no apparent blame on the employees part, does not detract from the manager's responsibility to deal with unacceptable absence levels. The employee must be fully aware that the potential ultimate outcome, of failing to achieve an acceptable attendance level, is dismissal.

The appropriate process to deal with such cases is the council’s disciplinary procedure. However this must reflect the requirement to deal with conduct relating to absence differently from conduct relating to other aspects of their employment. There will be a separate but identical stream of warnings for unacceptable absence levels, distinct from warnings arising from general misconduct. However, in all other respects the terms of the disciplinary procedures will apply.

The appropriate action to be taken will be dependent upon the merits of the particular case in question and due attention will be paid to medical advice. It is not always necessary to refer the employee to the occupational health physician/adviser prior to taking any form of disciplinary action. However, managers will have regard for the review periods detailed at 6.2 above when determining the point at which to initiate formal disciplinary consideration.

The fact that warnings are issued should not prevent or dissuade managers from considering other measures to address the problems such as training, redeployment, counselling, medical interventions etc.

Where the absence level remains unsatisfactory the final step will be dismissal. However, before the decision is taken to dismiss, up to date medical information should be obtained.

10. Disability discrimination

The Disability Discrimination Act 1995, as amended, defines a disability for this purpose as “A physical or mental impairment which has a substantial and long term adverse effect on his or her ability to carry out normal day to day activities”. The legislation creates a duty on employers to make “reasonable adjustments” and managers must make every reasonable attempt to retain a disabled employee in employment. This may impact on methods undertaken to manage absence.

The council will use the “social model of disability” as the basis for our work to promote equality of opportunity and to tackle discrimination against disabled people. This describes disability not as a medical issue, but one where disabled people face daily barriers in society such as attitudinal, environmental, institutional, information and communication barriers.
The legislation creates a duty on employers to make "reasonable adjustments" and managers must make every reasonable attempt to retain a disabled employee in employment. This may impact on methods undertaken to manage absence. However, it should be borne in mind, that if, after all attempts to make reasonable adjustments have been made and if the employee is still unable to return to work, then their employment may be terminated on capability grounds with appropriate payment in lieu of notice.

11. Payment for sickness absence

Payment for sickness absence is detailed in the council’s scheme of pay and conditions of service. However, employees who fail to comply with the notification and certification procedures may have sick pay withheld and be subject to disciplinary action.

Medical certificates should run concurrently and must be forwarded to line managers timeously, as failure to do so will affect sick pay entitlement.

Provisions relating to statutory sick pay and occupational sickness allowance, as outlined in the council’s scheme of pay and conditions of service, are maximum financial arrangements only and do not indicate the amount of absence to which an employee is entitled when sick. The fact that an employee is receiving sick pay is merely one of the factors to be considered. Consequently, an individual’s employment may be terminated before sick pay entitlement is exhausted.

Equally, an individual’s employment will not automatically be terminated on exhaustion of sick pay entitlement. In general however, a single period of absence will not be sustained beyond 12 months.

It is the manager’s responsibility to advise employees of the potential for termination on the grounds of capability, ill health or conduct if there is no significant improvement in the attendance levels and to deal with these cases in line with the council’s policy and employment legislation.
Redeployment Policy

Corporate Services
Human Resources Division
February 2008
CONTENTS

1. Aim
2. Scope
3. The council's position
4. Procedure

Appendix 1  Glossary of Terms
1 Aim

1.1 The aim of this policy is to assist employees who are in a redeployment situation. Through this policy, the council will, as far as is reasonably practicable, retain employees in employment by seeking suitable alternative employment.

1.2 The circumstances in which it may be considered include:

- Ill-health
- Disability
- Job sharing (where no partner can be found, or where there is no alternative operational solution)
- Disclosure Check
- Capability grounds
- Redundancy

This list is not exhaustive. Further details on ill health refer to the council's policy and guidance on Managing Attendance and for job sharing refer to the council's Job Sharing Policy. When considering redundancy, there is a separate policy and procedure which should be followed.

2 Scope

This Policy covers all employees with the exception of Teachers.

3 The Council's Position

3.1 The Council will make every effort to redeploy employees and every attempt will be made to match the existing terms and conditions of service as far as is reasonably practicable. However, there will be no guarantee that employees will be redeployed into a post at the same wage/salary, hours of work, location etc. and, therefore, there will be no entitlement to preservation of the previous terms and conditions of employment, including salary/wage.

3.2 Employees in a redeployment situation will be considered for suitable alternative posts, provided they meet the essential criteria, or could satisfy the essential criteria with a short period of training during the period of the job placement.

3.3 Redeployment will be pursued for a period of up to 3 months. If at the end of that period, a suitable alternative post has not been secured, the circumstances of each case will be considered within the terms of the relevant council policy.

3.4 The council will provide appropriate training and support for the new post, where necessary.

3.5 The council will ensure that employees who are in a redeployment situation will be granted a suitable job placement for a minimum of 4 weeks, where necessary. This will be subject to review at the end of this period but may be extended in exceptional circumstances, to a maximum period of 3 months. The extension will be dependent upon the circumstances of each case, but could include situations where the employee is borderline in relation to meeting the essential criteria, where an element of training (normally not exceeding a period of 3 months) is required to bring the employee up to the minimum standard to
adequately fulfil the duties of the post. Within the period of the job placement, the employee will continue on his/her existing terms and conditions of employment as part of a phased transition.

3.6 The council will make every effort to redeploy employees within a total period not normally exceeding 3 months, unless there have been extenuating circumstances which warrant special consideration. Management will consider each case on its own merits, and in consultation with Corporate Human Resources.

3.7 If, having exhausted this procedure, redeployment is not possible, the case will be dealt with in accordance with the appropriate policy or procedure, and may ultimately lead to the termination of the contract of employment.

4 Procedure

4.1 Service Obligations

Service management should attempt to find suitable alternative employment within their own service in the first instance and across other council services. This will include considering employees for employment at other locations and/or on other appropriate duties including posts which are not necessarily the same as their existing grade, or on their existing salary/wage but which are as near as is practicable to the employee’s substantive terms and conditions of service.

In the case of employees with a disability, the council must consider making suitable reasonable adjustments where appropriate, under the terms of the Disability Discrimination Act 1995, as amended, and in line with case law.

The service will be required to ensure the employee(s) completes a personal profile providing details of their skills, experience and knowledge. The line manager should assist the employee with the completion of the personal profile. Both parties should sign the completed personal profile.

4.2 Role of Corporate Human Resources

From the start of this process, Corporate Human Resources will provide advice and assistance as necessary. This may involve assisting the employing service by circulating the redeployment profile received from the employing service as appropriate; the identification of suitable vacancies for redeployment, to enable the employing services to discuss these vacancies with the employee; withhold identified vacancies from the advertising process. These posts may only be advertised more widely if, following the interview of the redeployed person, the individual is not suitable. Corporate Human Resources will also facilitate discussions between services to secure suitable redeployment as and when necessary. Once this process has been exhausted, as a result of the efforts of both the employing service, and Corporate Human Resources, if no suitable alternative is found, consideration of each case will be within the terms of the relevant council policy e.g. the council’s Managing Attendance Policy, Redundancy Policy etc.
Recruiting Service: Service where the vacancy exists.

Original Service: Service currently employing the employee who is in a redeployment situation.

Employing Service: Service hosting the employee for a job placement period, in accordance with this policy.

Job Placement: An opportunity for the employee who meets, or all but meets, the essential criteria for the post to try out the duties of a suitable alternative post.
## Managing Attendance Policy

<table>
<thead>
<tr>
<th>General Comments</th>
<th>Issues</th>
<th>Comments and Proposed Council Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>BME Forum 5.2.08</td>
<td>The BME forum members welcome the opportunity to comment on the policy as part of the council's consultation process</td>
<td>Noted</td>
</tr>
<tr>
<td>EDF Forum</td>
<td>The EDF forum members indicated that there needs to be a link with Health and Safety to tackle accidents in the home which could contribute to sickness absence</td>
<td>This is considered appropriate and the Chief Personnel Officer (Policy and Training) will raise this with the Health and Safety Team</td>
</tr>
<tr>
<td>BME Forum &amp; EDF Forum</td>
<td>The BME &amp; EDF forum members sought clarification on a number of matters for their information</td>
<td>It is considered appropriate to include reference in the introduction to the fact that the policy should be read in conjunction with the complementary guidance note on managing attendance. The forum members were also advised that there is training planned in Spring 2008 to accompany the re-launch of the revised policy. The guidance note will include reference to training for managers in the application of this revised policy. This point was noted but it is considered that the policy is clear on the employee's responsibilities in para 5.1. (i) &amp; (ii).</td>
</tr>
<tr>
<td>BME Forum</td>
<td>The view of the BME forum members is that the policy is not drafted with an emphasis on recognising the contribution made by the council’s workforce. They would prefer the following wording: &quot;We value the contribution our employees make to our success in delivering the efficient operation of the council’s services.&quot;</td>
<td>It is considered appropriate to alter the wording in para 1 to “The council values the contribution its employees make and recognises that high levels of attendance at work by employees is a vital factor in the efficient operation of its services.”</td>
</tr>
<tr>
<td>EDF Forum</td>
<td>The EDF forum members raised the issue of communication of the extended physiotherapy pilot</td>
<td>It is considered appropriate that information about the extended physiotherapy pilot be included on the health and safety notice boards and dedicated Healthy Working Lives notice boards in each</td>
</tr>
</tbody>
</table>
# APPENDIX 3
22 February 2008
Comments received and incorporated in the proposed revised policies or other action agreed.

<table>
<thead>
<tr>
<th>Page, para</th>
<th>Group</th>
<th>Comments and Requested Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>4, para 4.1</td>
<td>BME &amp; EDF Forums</td>
<td>The BME &amp; EDF forum members are uncomfortable with the wording of this para &quot;regardless of the genuineness of the absence&quot;. They are of the view that the word &quot;regardless&quot; is too strong and should be omitted.</td>
</tr>
<tr>
<td>4, para 4.1</td>
<td>TU side</td>
<td>The TU side requested that the wording of this para is revised to include Section 34 of the Health and Safety Policy which specifically refers to support available for dealing with employees who suffer from mental health illnesses. (Refer to para 4 for list of other relevant council policies and procedures).</td>
</tr>
<tr>
<td>4, Para 5.1(i)</td>
<td>BME &amp; EDF Forums</td>
<td>The BME &amp; EDF forum members requested that the wording of former paragraphs 4.1(i) and 4.1(ii) be revised to encourage the promotion of healthy lifestyle.</td>
</tr>
<tr>
<td>5, Para 5.1(ii)</td>
<td>TU side</td>
<td>The TU side expressed concerns over the last sentence, “However, there may be alternative arrangements which will be determined by your manager/supervisor”- TUs feel that some managers may abuse this provision.</td>
</tr>
<tr>
<td>5, para 5.1</td>
<td>GMB</td>
<td>The GMB representative requested</td>
</tr>
</tbody>
</table>

Noted. It is considered appropriate to alter the wording to "Irrespective". It is considered appropriate to include this in the policy. It is considered appropriate to include further detail about the special leave policy e.g. routine medical treatment, GP appointments, hospital appointments, elective surgery at former Para 8.1.1 (now new Para 4). Reference to council procedures and conditions of service is also included. It is considered appropriate to include examples in the guidance notes for further clarification e.g. where some employees cannot get hold of their manager/supervisor due to the hours they work or because they do not have access to a phone. TU side also want the wording "by agreement" to be included.
### APPENDIX 3
22 February 2008
Comments received and incorporated in the proposed revised policies or other action agreed.

<table>
<thead>
<tr>
<th>(v)</th>
<th>Page 5, para 5.2 (iv)</th>
<th>TU side</th>
<th>The TU side requested that clarification is included in the guidance notes to ensure that advice to employees on who they should contact to report a sickness absence should be reasonable and practical, given the circumstances of an employee's work and shifts etc.</th>
<th>It is considered appropriate to include reference in the guidance note advising that this point should be covered in the induction training within each service</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Page 6, para 5.2(xiv)</td>
<td>TU side &amp; EDF Forum</td>
<td>The TU side and EDF forum members requested that the following wording is included &quot;...in line with the council's policies and other appropriate procedures and employment legislation&quot;</td>
<td>It is considered appropriate to include policies, procedures and also condition of service</td>
</tr>
<tr>
<td></td>
<td>Page 6 para 5.2 additional (xiv)</td>
<td>EDF Forum</td>
<td>The EDF forum members requested that a new bit is included on managers responsibility to advise employees of the support mechanisms available and also that it is their responsibility to refer employees as required</td>
<td>It is considered appropriate to include details of the support mechanisms in the managing attendance guidance note, along with reference to the council's revised special leave policy</td>
</tr>
<tr>
<td></td>
<td>Page 6, new para 5.2 (vi)</td>
<td>EDF Forum</td>
<td>The EDF forum members request that the policy include something about managers being aware of their responsibilities for making reasonable adjustments where an employee has a disability. There is reference to this at the end of the policy. However, the EDF members feel that being added at the end as a &quot;bolt on&quot; makes them feel that they are &quot;tagged on&quot; to the end. Include mention of responsibilities under health and safety (i.e. absences caused by accidents and should this be counted as sickness absence)</td>
<td>It is considered appropriate to include this under managers responsibilities after point (v) as a new point (vi). Wording has been altered to reflect this, &quot;...making adjustments where an employee has a disability in line with the DDA as amended&quot;</td>
</tr>
<tr>
<td></td>
<td>Page 6, para 6.1</td>
<td>TU side</td>
<td>The TU side requested that where an employee has to attend a meeting the TU side want the employee to be paid for coming in to work</td>
<td>It is considered appropriate that there could be flexibility on whether or not the employee attends the workplace. A home visit may suffice</td>
</tr>
<tr>
<td></td>
<td>Page 7, para 6.2</td>
<td>EDF Forum</td>
<td>The EDF forum members requested that the letter calling an employee into a formal attendance review meeting could be worded in a much more sympathetic way, taking into</td>
<td>Noted. It is considered appropriate to include standard letter templates with the guidance note. In addition, the forum was</td>
</tr>
</tbody>
</table>

| | | | | |
APPENDIX 3  
22 February 2008  
Comments received and incorporated in the proposed revised policies or other action agreed.

<table>
<thead>
<tr>
<th>Page 7, para 6.2</th>
<th>BME Forum</th>
<th>The BME forum members endorse the revised wording in the last sentence relating to the manager advising employees that a work colleague or trade union representative can accompany the employee at a review meeting. They would like some guidance to be provided on having a gender balance at the formal attendance review meeting where practicable.</th>
<th>Noted</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>This point is covered in para 5.2.(i) of managers responsibilities.</td>
</tr>
<tr>
<td>Page 8, para 7.1</td>
<td>GMB</td>
<td>The GMB requested that the 3rd sentence include at the end &quot;...including medical health reports&quot;.</td>
<td>It is considered appropriate to include this in the guidance note.</td>
</tr>
<tr>
<td>Page 8, para 7.2</td>
<td>EDF Forum</td>
<td>The EDF forum members requested that the last sentence should refer to the occupational health's advisory helpline by way of clarification.</td>
<td>It is considered appropriate to alter the wording to, &quot;Advice can be sought from the relevant HR team in conjunction with the occupational health physician/ adviser directly. This may include seeking advice by telephone from the occupational health advisory helpline for managers rather than making a referral&quot;.</td>
</tr>
<tr>
<td>Page 8, para 7.3</td>
<td>BME Forum</td>
<td>The BME forum members do not like the wording, &quot;...best way....&quot;in the first sentence referring to absences attributable to stress.</td>
<td>It is considered appropriate to alter the wording to, &quot;In cases relating to stress, every effort will be made by both parties to try and resolve the problems quickly, although....&quot;</td>
</tr>
<tr>
<td>Page 9, para 7.4</td>
<td>GMB</td>
<td>The GMB requested that there should be reference to the Access to Medical Reports Act 1988 in the section on employees being given advice by their line manager prior to any referral to occupational health. The TU side requested revised wording in the 5th para- to &quot;Where...&quot;</td>
<td>It is considered appropriate to include reference in the policy.</td>
</tr>
<tr>
<td></td>
<td>TU side</td>
<td></td>
<td>It is considered appropriate to change the wording and include this.</td>
</tr>
<tr>
<td>APPENDIX 3</td>
<td></td>
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<tr>
<td>-------------</td>
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<tr>
<td>22 February 2008</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Comments received and incorporated in the proposed revised policies or other action agreed.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>TU side</th>
<th>employees fail to comply with a requirement to attend for a medical examination <strong>without reasonable cause</strong>, this may be considered under the council's disciplinary procedures. The TU side requested that clarification be included in the guidance notes that employees can ask for a copy of the occupational health report at the time of their medical examination.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Page 11. paragraph 9.1.3</td>
<td>TU side.</td>
<td>The TU side want the former paragraphs 8.2.3 &amp; 8.2.4 merged as they are a bit repetitive.</td>
</tr>
<tr>
<td>Page 12, para 9.1.5</td>
<td>TU side</td>
<td>The TU side requested clarification that appeals should be made to the Executive Director.</td>
</tr>
<tr>
<td>Page 12, para 9.1.7</td>
<td>TU side</td>
<td>The TU side requested that the wording be revised to, &quot;...the decision to dismiss or not to dismiss <strong>is not solely a medical issue</strong> but a decision to dismiss...&quot;</td>
</tr>
<tr>
<td>Page 13, para 9.1.8 (ii)</td>
<td>TU side</td>
<td>The TU side requested reference in the guidance note in relation to 4th para –include in the guidance note reference to the fact that the set period of time for monitoring purposes that should be agreed between the manager, HR and the employee.</td>
</tr>
<tr>
<td>Page 13, para 9.1.8 (ii)</td>
<td>TU side</td>
<td>The TU side requested that in the last bullet point- all medical opinion should be taken into account.</td>
</tr>
<tr>
<td>Page 14, para 9.3</td>
<td>UNISON</td>
<td>Unison representatives are concerned that managers will not refer employees to occupational health provider if there is no underlying medical condition. Unison still concerned about the implementation of this.</td>
</tr>
</tbody>
</table>

It is considered appropriate to include wording in the letter from occupational health to the employee advising that they can get a copy of the report if they ask for it at the time of their medical examination. They will not get the report there and then. However, they will get it in due course. |

This is supported and policy has been revised accordingly. |

It is considered appropriate to revise the wording in the policy and include, "solely" - the understanding here is that this is a management decision and not the responsibility of the OHP at Salus. |

It is considered appropriate to revise the guidance note accordingly. |

It is considered appropriate to change the policy to read," All medical opinion, particularly the latest occupational health report and advice provided by the Occupational Health Physician. " |

It is considered appropriate to include examples of when this would happen in the guidance notes.
**APPENDIX 3**
22 February 2008
Comments received and incorporated in the proposed revised policies or other action agreed.

<table>
<thead>
<tr>
<th>Page 14, para 10.</th>
<th>UNISON, TU side &amp; EDF Forum</th>
<th>The TU side requested that disability leave should be introduced across the council. This was requested at the JCC on 21.11.2002. They want sickness absence that is related to an individual's disability to be recorded separately as “disability leave”</th>
<th>It is considered appropriate to expand the new para 4 to include further information on disability and the provisions of the revised special leave policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appendix 1, Flow Chart</td>
<td>BME Forum</td>
<td>The BME forum members indicated that the flow chart was confusing. Remove numbers in the boxes currently entitled compulsory 1, optional 2 &amp; optional 3. Would prefer to see arrow going from no significant improvement under compulsory 1 back up to optional 2 or optional 3 boxes. Reconsider the 2 boxes on options at the bottom of the flow chart</td>
<td>It is considered appropriate to remove the flow chart from the policy</td>
</tr>
</tbody>
</table>

TU side Joint Trades Union side
BME Forum Lanarkshire black and ethnic minority employees’ forum
EDF Forum Employee Disability Forum
APPENDIX 4  
25 February 2008  
Comments received and not incorporated into the proposed revised policy.

<table>
<thead>
<tr>
<th>Managing Attendance Policy</th>
<th>Issues</th>
<th>Comments and Proposed Council Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Page 3, para 3</td>
<td>BME Forum</td>
<td>The BME forum members would like the following inserted, &quot;As a responsible employer we undertake to provide payments to employees who are unable to attend work due to sickness&quot;</td>
</tr>
<tr>
<td>Page 3, para 3(ii)</td>
<td>EDF Forum</td>
<td>The EDF forum members requested that the wording is revised from &quot;Whilst employees are entitled to expect fair treatment.&quot; to &quot;Whilst employees can expect fair treatment...&quot;</td>
</tr>
<tr>
<td>Page 3, para 3.2 (ii)</td>
<td>EDF Forum</td>
<td>The EDF forum members are of the view that this para does not provide details of when managers should exercise discretion or not. EDF representatives to provide some examples for consideration</td>
</tr>
<tr>
<td>Page 5, Para 5.1.(ii)</td>
<td>TU side</td>
<td>The TU side expressed concerns over the last sentence, &quot;However, there may be alternative arrangements which will be determined by your manager/supervisor&quot; - The TU side are of the view that this provision has the potential to be open to abuse by managers. The TU side also want the wording by agreement &quot;to be included.</td>
</tr>
<tr>
<td>Page 5, para 5.1 (vii)</td>
<td>TU side</td>
<td>The TU side requested that information be included in the guidance note on how to conduct a return to work interview e.g. meet with employees during working hours; ensure the venue is appropriate, ensure the meeting is taking place in a confidential setting. Change wording of &quot;...unless a medical reason is provided to preclude attendance at work venues&quot;</td>
</tr>
</tbody>
</table>
### APPENDIX 4
25 February 2008
Comments received and not incorporated into the proposed revised policy.

<table>
<thead>
<tr>
<th>Page, para</th>
<th>Forum</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>5, para 5.2</td>
<td>EDF Forum</td>
<td>The EDF forum members requested that the heading of this para be revised from &quot;Managers Responsibilities&quot; to &quot;Employers Responsibilities&quot;. It is not considered appropriate to alter the heading as it is the manager who will be dealing with managing attendance.</td>
</tr>
<tr>
<td>5, para 5.2 (i)</td>
<td>TU side</td>
<td>The TU side requested that the same wording as is used in the grievance policy for &quot;appropriate person&quot; or &quot;designated person&quot; be retained. It is considered appropriate not to put this wording in bold as there is nothing else in the policy which is in bold. If this is in bold other areas that have equal importance will have to be emphasised.</td>
</tr>
<tr>
<td>5 &amp; 6, para 5.1</td>
<td>TU side</td>
<td>If employee has to attend a meeting the TU side have requested that the employee be paid in full for coming in to work, regardless of their current pay entitlement. It is considered appropriate for the employee to be paid in accordance with their sick pay entitlement. It is acknowledged that review meetings may occur when the employee is on half pay or has exhausted sick pay entitlement. Employees have a duty to maintain contact with their manager and to co-operate with the management provisions of the managing attendance policy.</td>
</tr>
<tr>
<td>7, para 6.2</td>
<td>BME Forum</td>
<td>The BME forum members endorse the revised wording in last sentence relating to the manager advising employees that a work colleague or trade union representative can accompany the employee at a review meeting. The members would like some guidance to be provided on having a gender balance at the formal attendance review meeting where practicable. Noted. Agreed that this is covered in para 5.2 (i) of manager's responsibilities. It is not considered appropriate to alter the wording of policy.</td>
</tr>
</tbody>
</table>
APPENDIX 4
25 February 2008
Comments received and not incorporated into the proposed revised policy.

<table>
<thead>
<tr>
<th>Page, para</th>
<th>TU side</th>
<th>EDF Forum</th>
<th>TU side</th>
</tr>
</thead>
<tbody>
<tr>
<td>9, 7.4</td>
<td>The TU side requested that the wording of the 4th para is altered to, &quot;Only where it is not possible to convene a meeting&quot; <em>within their normal working hours&quot; with the employee, the manager will provide the information in writing or by telephone</em>. See EDF forum members comments below. The TU side requested the following in 5th para: <strong>When the occupational health report is available</strong>, the manager will meet with the employee to discuss the following....&quot; Last para change to &quot;must&quot; and not &quot;may&quot;</td>
<td>It is not considered appropriate to alter the wording. The intention is to meet with the employee. However this may not always be possible due to an employee's work pattern and/or personal circumstances.</td>
<td>It is not considered appropriate to alter the wording as the manager should have the report, prior to meeting with the employee.</td>
</tr>
</tbody>
</table>

The TU side requested that all employees receive an automatic copy of the occupational health report. Include clarification in the guidance notes that employees can ask for a copy of the occupational health report at the time of their medical examination. They will not receive the report there and then. However they can ask for it at that time and will get it in due course.

| 9, 7.4     | The EDF forum members requested that the wording of 4th para is revised to read," Only if it is not possible to convene a meeting with the employee, the manager will provide the information in writing": delete "or by telephone" | It is considered appropriate to retain the original wording of "or by telephone" to accommodate employees' work patterns and personal circumstances where it is not always possible to convene a meeting. | |

Following clarification from health and safety and taking into consideration current practice in the services, it is considered appropriate to include further clarification in the guidance notes. The clarification will take the form of very general information on what to do in the event of employees suffering from|

| 3 & 4, 4.1 | The TU side want clarification on the provision of special leave for employees suffering from communicable/infectious diseases such as the Norovirus and sickness and diehorrea etc. They are of the view that there are some categories of staff where it should be an automatic special leave and not sickness absence if employee has such a virus e.g. | Following clarification from health and safety and taking into consideration current practice in the services, it is considered appropriate to include further clarification in the guidance notes. The clarification will take the form of very general information on what to do in the event of employees suffering from | | (Formerly Para 8.1.1) | | | |
Comments received and not incorporated into the proposed revised policy.

<table>
<thead>
<tr>
<th>Pages 3 &amp; 4, para 4.1 (Formerly Para 8.1.1)</th>
<th>TU side &amp; EDF Forum</th>
<th>The TU side and EDF Forum members requested a definition of &quot;medical suspension&quot; so that absences related to accidents at work are not counted for the recording of sickness absence.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>It is not considered appropriate to develop a definition of &quot;medical suspension&quot;. There is a definition of an accident at work which has been agreed with the trade unions nationally. The intention of this revised policy is not to change what has already been agreed nationally on how to deal with sickness arising from an injury at work.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Pages 3 &amp; 4, para 4.1 and page 14, para 10 (Formerly Para 8.1.1)</th>
<th>TU side</th>
<th>The TU side requested that disability leave be introduced across the council. This was requested at the JCC on 21.11.2002. They want sickness absence that is related to an individual's disability to be recorded separately as &quot;disability leave&quot;.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Disabled employees who go off sick are still required to adhere to the provisions of the council's sickness absence policy. The council is committed to considering &quot;reasonable adjustments&quot;, where appropriate and this is detailed in page 14, para 10 of the revised Managing Attendance Policy. These reasonable adjustments could take the form of time off for medical treatment, GP appointments, and hospital appointments for rehabilitation, all of which are included in the recently revised Special Leave policy.</td>
</tr>
</tbody>
</table>
# APPENDIX 4
25 February 2008
Comments received and not incorporated into the proposed revised policy.

<table>
<thead>
<tr>
<th>Comments</th>
<th>Source</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy which was approved by the full council on 7 February 2008. Where a disabled employee is off sick this will be properly recorded as sickness absence for monitoring and payment purposes. This is a requirement in terms of the Audit Scotland direction on recording sickness absence. It is considered appropriate to include further detail about the special leave policy in the revised managing attendance policy. e.g. routine medical treatment, GP appointments, hospital appointments, elective surgery at para 8.1.1 (now new para 4). Reference to council procedures and conditions of service has also been included.</td>
<td><strong>Pages 3 &amp; 4, para 4.1 (Formerly Para 8.1.1)</strong></td>
<td></td>
</tr>
</tbody>
</table>

| The EDF forum members requested that details about time off for rehabilitation be included in the policy |
| EDF forum would like a separate policy on disability |

| The GMB representative advised that we should be wary of |
| **Page 12, para 9.1.7** |

| The GMB representative advised that we should be wary of |

Noted.
### APPENDIX 4
25 February 2008
Comments received and not incorporated into the proposed revised policy.

<table>
<thead>
<tr>
<th>TU side</th>
<th>Unison</th>
<th>Joint Trades Union side</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Page 14, para 9.2</strong></td>
<td>Unison are concerned that managers are not referring employees to occupational health provider if there is no underlying medical condition. Unison still concerned about the implementation of the above where there is no underlying medical condition.</td>
<td>It is considered appropriate to include examples of when this would happen in the guidance notes.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TU side</th>
<th>Unison</th>
<th>Joint Trades Union side</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TU side</strong></td>
<td>Dismissing through capability—there are apparently legal considerations to be aware of. The TU side advised that there is discussion ongoing at national level through Cosla to revise pension regulations which will become effective from 1.4.09 and this will alter the process in relation to ill health retirals There will be 3 stages: Stage 1 - permanently unfit Stage 2 – unfit but not permanently unfit, employees has access to their pension Stage 3 Discretionary compensatory payment through ill health. Discussions are ongoing.</td>
<td>It is considered appropriate to incorporate the changes, where relevant, into the policy once the legislation is revised.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TU side</th>
<th>BME Forum</th>
<th>Joint Trades Union side</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BME Forum</strong></td>
<td>Lanarkshire black and ethnic minority employees forum</td>
<td></td>
</tr>
</tbody>
</table>

**EDF Forum** Employee Disability Forum
# APPENDIX 5
22 February 2008
Comments received and incorporated in the proposed revised policies or other action agreed.

<table>
<thead>
<tr>
<th>Redeployment Policy</th>
<th>Issues</th>
<th>Comments and Proposed Council Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Para 3.1</td>
<td>TU side</td>
<td>The TU side requested that the wording is changed to read, &quot;every attempt will be made to match the existing terms and conditions of service as far as is reasonably practicable...&quot;</td>
</tr>
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<td></td>
<td></td>
<td>It is considered appropriate to change the wording accordingly</td>
</tr>
<tr>
<td>Para 3.5</td>
<td>TU side</td>
<td>During the transitional trial period the TU side want any extension beyond the 4 weeks to be on the employee's existing salary for a period of up to 3 months.</td>
</tr>
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<td></td>
<td></td>
<td>It is considered appropriate to alter the wording of the policy to reflect situations where employees who were in a redeployment situation and in a job placement should receive their existing salary and existing contractual conditions for a period of 4 weeks. It was noted that the extension of the job placement period is subject to the individual circumstances of each case. If an extension of the job placement was agreed, then the employee would retain their existing terms and conditions of service for that extended period</td>
</tr>
<tr>
<td>Para 4.1</td>
<td>TU side</td>
<td>The TU side requested that the wording of the first para, second sentence be revised to include, &quot;or on their existing salary/wage...but which are as near as is practicable to the employee's substantive terms and conditions of service&quot; Amend the middle para to include &quot;the DDA, as amended&quot;</td>
</tr>
<tr>
<td></td>
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<td>It is considered appropriate to alter the wording</td>
</tr>
<tr>
<td></td>
<td></td>
<td>It is considered appropriate to alter the wording</td>
</tr>
<tr>
<td>Guidance Notes</td>
<td>TU side</td>
<td>The TU side requested that the guidance notes include information about what happens when appropriate vacancies are frozen in situations where a potential redeployment situation is identified.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>It is considered appropriate to include this in the guidance notes and this has been done.</td>
</tr>
<tr>
<td>General Comment</td>
<td>BME Forum</td>
<td>The BME forum members welcome the opportunity to comment on the draft revised redeployment policy. As long as the policy supports the employee as much as possible they are OK with the content of the revised</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The aim of the policy is to assist employees who are in a redeployment situation and it was emphasised that the intention of this policy is to retain employees in employment as far as is reasonably practicable.</td>
</tr>
</tbody>
</table>
**APPENDIX 5**  
**22 February 2008**  
Comments received and incorporated in the proposed revised policies or other action agreed.

<table>
<thead>
<tr>
<th></th>
<th>policy.</th>
<th>This was agreed.</th>
</tr>
</thead>
<tbody>
<tr>
<td>EDF Forum</td>
<td>No comments received from forum members.</td>
<td></td>
</tr>
</tbody>
</table>

TU side: Joint Trades Union Side  
BME Forum: Lanarkshire black and ethnic minority employees forum  
EDF Forum: Employee Disability Forum
APPENDIX 6  
25 February 2008  
Comments received and not incorporated into the proposed revised policy.

<table>
<thead>
<tr>
<th>Redeployment Policy</th>
<th>Issues</th>
<th>Comments and Proposed Council Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Para 3.1</td>
<td>TU side: Unison</td>
<td>The current policy provides no protection of earnings. The proposed policy provides a short period (a minimum of four weeks and up to three months, in exceptional circumstances). It is not considered appropriate to offer longer term preservation. However, the arrangements in relation to redundancy circumstances are being considered separately as part of a review of the Redundancy Policy.</td>
</tr>
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<td></td>
<td>The TU side raised the issue of preserving the employee's salary.</td>
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<td></td>
<td>Unison want employee's salary to be preserved until the employee chooses to leave the council or gets promotion for all circumstances when redeployment is being considered. The TU side cannot accept that any employee will receive less salary and their future pension may be affected due to circumstances outwith their control.</td>
<td></td>
</tr>
</tbody>
</table>

TU side: Joint Trades Union side  
BME Forum: Lanarkshire black and ethnic minority employees forum  
EDF Forum: Employee Disability Forum