In terms of the Local Recognition and Procedure Agreement, it is accepted by all signatories acting on behalf of the Council and the recognised unions that this agreement is a binding local agreement effective from 24 September 2007. This supersedes relevant provisions within the National Agreement and constitutes a formal amendment to the terms and conditions of employment for teaching employees within Perth and Kinross Council.

John Fyffe, Executive Director (Education & Children’s Services), on behalf of Perth and Kinross Council:

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Douglas Stewart (EIS), on behalf of Teachers’ Trade Unions:

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ABSTRACT

This report seeks approval from the Strategic Policy and Resources Committee for the Employee Health and Attendance Procedure which replaces the existing Sickness Absence Management Procedure.

1 RECOMMENDATION

1.1 It is recommended that the Strategic Policy and Resources Committee approve the Employee Health and Attendance Procedure. (Appendix 1)

2 BACKGROUND

2.1 Legislative, Government and Council priorities.

2.2 External pressures from the government and HSE are placing increased responsibility on employers particularly to improve the health and wellbeing of the working age population. There is greater expectation, particularly within the public sector, for organisations to improve the health of the working age population, minimise the risk of employees becoming ill in the first place and rehabilitate employees when they experience illness or disability.

2.3 A key efficiency area within the Scottish Executive Efficient Government Plan (November 2004) is managing absence. This is reflected in the Council’s Organisational Change and Improvement Plan (April 2006) and translates into the Employee Charter within the HR Strategy as a commitment to enhancing the health, safety and wellbeing of our employees. Additionally there is a commitment to promoting healthy working lives within the HR Strategy. Finally, a commitment to improving employee health and well-being has been given to the Health and Safety Executive as a result of the Council signing up to the FIT 3 programme in 2006.
2.4 Perth and Kinross Council already has a framework in place for managing sickness absence. However, it is considered that a review was necessary to ensure that our procedure is fit for purpose for an organisation which is responsive and moving forward in order to sustain high performance. The review of the Sickness Absence Procedure has come at an opportune time as the Performance Indicator for sickness absence has increased for the third consecutive year from 4.80% in 2005/2006 to 5.28% in 2006/2007.

2.5 During the review it became apparent that the Council needed a more efficient and effective way of dealing with sickness absence. A more proactive procedure has been developed, Employee Health and Attendance, which aims to maximise attendance through early intervention, supporting employees, providing appropriate leave provisions to cover life events and work life balance and minimising the likelihood of absences occurring in first place.

2.6 The Council recognises that, from time to time, employees may suffer ill health; however, it also recognises the benefits of maintaining and improving the health and well-being of its employees. The Employee Health and Attendance Procedure focuses on health promotion, prevention of absence as well as handling sickness absence.

2.7 An Equalities Impact Assessment has been carried out and cognisance has been taken of related issues. This review also highlighted the need for further development of our management information systems in order to improve our understanding of the underlying reasons and trends for sickness absence and work related health issues in order to ensure continuous improvement.

3 PROPOSALS

3.1 An implementation plan is being developed in order to ensure appropriate communication and training for an effective date of 1 October 2007.

3.2 Staffing Contacts and Human Resources staff will be trained in the new procedure by the end of September 2007. This arrangement will ensure that support is available for managers during the transitional period and until the managers are trained. Managers will be informed of the new procedure through publication on our intranet site, eric and via a Manager’s Factsheet.

3.3 A Managers Guide for the revised procedure is being developed and all Managers will receive training on the Managers Guide as a matter of priority.

3.4 The Employee Health and Attendance Procedure will be communicated to all employees in the following ways:

- An article in Inside News
- Publicised on the Council’s intranet site
- A copy will be provided to all new employees as part of induction
• Employee Guidance will also be developed which will also be publicised on the Council’s intranet site and provided to all new employees as part of induction.

3.5 Managers Guide training in the current procedure is already mandatory. It is proposed that the training for the revised procedure continues to be mandatory and Services ensure Managers are identified and required to attend this training at the earliest opportunity.

3.6 The procedure will be reviewed to ensure its continuing relevance and suitability. Regular management information will be considered to monitor trends and ensure a continued proactive approach.

3.7 The working group established to develop the Employee Health and Attendance Procedure will continue to meet in order to investigate the underlying reasons and trends in absence in order to make further recommendations for improvement.

4 CONSULTATION

4.1 All Executive Directors have been fully consulted on the Employee Health and Attendance Procedure. Representatives from each Service and two nominees from the trade unions were involved in developing of the procedure. Wider trade union consultation is continuing.

5 RESOURCE IMPLICATIONS

5.1 There are no resource implications as a result of this report. Managers are being required to be more proactive in dealing with health and attendance problems, and this needs to be given a high priority, particularly in areas of identified risks.

6 COUNCIL CORPORATE PLAN OBJECTIVES 2007-2010

6.1 The Employee Health and Attendance Procedure will support the following Corporate Plan objectives:

(i) A Safe, Secure and Welcoming Environment
(ii) Healthy, Caring Communities

6.2 The Procedure also supports the HR Strategy. The Employee Charter commits the Council to create and maintain a working environment that enhances the health, safety and well being of our employees and sets out our expectations of employees to perform to the highest possible standards with regular attendance and healthy work life balance.
7 CONCLUSION

7.1 There is greater expectation, particularly within the public sector, for organisations to improve the health of the working age population, minimise the risk of employees becoming ill in the first place and rehabilitate employees when they experience illness or disability. The Council’s approach to health and wellbeing recognizes we can achieve our corporate objectives through having a healthy workforce with employees who are able to contribute to their full potential. To do this, it has been necessary to review the current sickness absence procedure.

7.2 The Employee Health and Attendance Procedure commits to a positive and proactive approach to health and wellbeing and through early intervention, supporting employees, providing appropriate leave provisions to cover life events and work life balance, minimising the likelihood of absence in the first place.

7.3 In conjunction with the new contract for Occupational Health Service and a counseling service for employees, the new Procedure will set a corporate framework for managers, employees and Trade Unions to work together in improving health, safety and wellbeing of our employees and enable employees to attend work so that they can contribute to delivery of improved services to the communities we serve.

GAVIN STEVENSON
Executive Director (Corporate Services)

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8 August 2007
EMPLOYEE HEALTH & ATTENDANCE PROCEDURE
INTRODUCTION

Perth and Kinross Council is committed to delivering excellent services to the community and recognises our success is largely determined by the efforts and contributions of our employees. Crucial to ensuring this provision is the promotion of good health and attendance which has, at its core, the health, safety and wellbeing of our employees.

Perth and Kinross Council is committed to a positive and proactive approach to maximising attendance through early intervention, supporting employees, providing appropriate leave provisions to cover life events and work life balance. The Council is also committed to a proactive approach to healthy working lives.

SCOPE

This procedure applies to all employees of Perth and Kinross Council.

There are various policies and procedures covering the health, safety and wellbeing of employees, however, the main focus of this procedure is ill health.

AIMS

The Council recognises the benefits of maintaining and improving the health and wellbeing of its employees. By working in partnership with the Occupational Health Service, employees and the recognised trade unions, our aim is to create a positive attendance culture throughout the organisation thereby improving the overall performance of the Council. This will be achieved by:

- Promoting a working environment which enhances the health, safety and wellbeing of employees.
- Encouraging employees to adopt a healthy lifestyle.
- Proactively working to prevent or minimise the risk of employee absence through early intervention and regular monitoring.
- Ensuring employees are aware of support mechanisms available within the Council.
- Providing mandatory training as well as advice and guidance for all managers and supervisors.
- Ensuring employees are treated in a fair, consistent and sensitive manner.
- Reducing the incidence of sickness absence and thereby reducing the costs of absence.
- Ensuring every employee is aware of and fulfils their responsibilities for their own health, safety and wellbeing and that of others.
OCCUPATIONAL HEALTH

In partnership with the Council, the Occupational Health Service will provide professional and specialist advice and support on all occupational health issues to employees and managers.

CONFIDENTIALITY

In adopting this procedure, the Council recognises that any information gained concerning the medical condition of an employee will be treated in the strictest confidence. No confidential information relating to an employee’s health will be disclosed to a third party other than the Occupational Health Service without the prior consent of the employee.

HEALTH PROMOTION

The Council recognises that health promotion plays an important part in having a healthier workforce, maximising attendance and ultimately better corporate performance. The Council will actively promote a health and wellbeing culture through the provision of positive health and lifestyle events as well as development and learning initiatives which will be made available to all employees. These will be carried out in partnership with the Occupational Health Service and, where appropriate, other organisations.

PREVENTION OF ABSENCE

The Council recognises that the most effective way of maximising attendance at work requires employees, managers and supervisors to demonstrate a proactive approach as part of day-to-day operations, wherever possible. Early recognition of problems in an environment where employees are encouraged to seek help early is important before non-attendance becomes a problem.

Discussion and intervention at an early stage can help to identify any underlying problems which may prevent an employee being absent. If an employee experiences any issues which may affect their attendance at work, these should be discussed with their manager/supervisor as early as possible. The manager/supervisor will discuss the issues with the employee and identify what resources or support is available, where applicable, to prevent or minimise the likelihood of an absence occurring in the first place. Advice can be sought from the Occupational Health Service at any stage.
SICKNESS ABSENCE

Managing attendance is important to the Council as we want a healthy workforce with employees who are able to contribute to their full potential and attend work regularly. Managers/supervisors will proactively support employees and manage situations sensitively to seek to maximise attendance and prevent or reduce absence. Employees also have a responsibility for their own health, safety and wellbeing, however, it is acknowledged that from time to time employees may suffer ill health and be unable to attend work.

Communication

The Council recognises that it is good practice for an employee and their manager/supervisor to maintain regular contact during a period of absence, particularly where this is prolonged. The process of ‘keeping in touch’ will be carried out sensitively, tactfully and will be determined on a case by case basis. An employee who is absent must also maintain regular contact with their manager/supervisor. Sickness absence must be reported in accordance with the Sickness Absence Reporting Procedure.

Handling Sickness Absence

There are various forms of absence including occasional, frequent or long-term sickness absence and absences due to other reasons e.g. carer or compassionate leave. Other absences should be dealt with under the relevant policy or procedure.

It is emphasised that the Council’s approach to managing sickness absence is intended to be constructive and supportive against the background of the aim to maximise attendance levels. Regardless of the type of absence, managers and employees should therefore have early and continuing discussions in order to best support employees.

The Disability Discrimination Act 1999 (as amended) places a duty on the Council to make reasonable adjustments to support an employee who is or becomes disabled to remain in work. A disability for this purpose is defined 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 Council’s approach is to seek to retain and if necessary, redeploy employees with disabilities to be part of a high performing workforce.

Occupational Health Referral

Employees can be referred to the Occupational Health Service to obtain advice about their health in relation to their work and identify appropriate support mechanisms. It is essential that the reasons for a referral to the Occupational Health Service are understood by all parties. An employee does not need to be absent in order to be referred to the Occupational Health Service.

Occasional or frequent absence is defined as a number of separate short periods of absence.
**Long term sickness absence** is any continuous period of absence which is likely to last four weeks or more.

An important part of maintaining contact with an employee who is absent through sickness is to arrange a meeting so that support can be offered. This meeting should be held on Council premises, or if more appropriate, a home visit can be arranged. The meeting should aim to:

- Establish/confirm the reason(s) for absence and its likely duration.
- Offer support to and ensure that on return the employee is capable of undertaking their duties and put in place measures to ensure that this is not detrimental to their health.
- Agree what information will be sent to the employee to ensure they are kept informed of developments within the Council, Service or team.
- Sensitively advise the employee that any absence impacts upon the efficient and effective operation of the Service.

A referral to the Occupational Health Service may be appropriate in order to establish the likely length of absence, appropriate support and rehabilitation plan. The outcome of the occupational health assessment may result in:

- Steps employee/employer can take to enable the employee to return to work as soon as able
- Consideration of a period of rehabilitation
- Deferral of a decision for a period of time. If the employee is still unable to return to work following expiry of this period, one of the courses of action outlined above will be followed
- Consideration to seeking redeployment
- Dismissal on the grounds of ill health retriial or capability. The employee will have a right of appeal against this decision.

If, as a result of illness, an employee is unable to return to the full duties of their post, the Council will take all reasonable steps to assist the employee to return to work. This may include making reasonable adjustments, retraining or redeployment. Further details can be found in the Redeployment Procedure. Dismissal on the grounds of capability with notice will be regarded as a last resort.

**Unexplained Absence**
There may be occasions when an employee fails to report for work and fails to report their absence. This is likely to be a conduct rather than a capability matter and should be considered under the Disciplinary Procedure.
RETURNING TO WORK AFTER ABSENCE

Welcome Back Meeting
On an employee’s return to work following any period of absence, the manager/supervisor will, on the first day back, undertake a meeting to welcome the employee back to work and ensure that the:

- Employee is fit to return to work
- Appropriate certification forms are completed
- Employee is advised of what has happened in the workplace during their absence
- Appropriate action can be taken to prevent similar absences in future.

Rehabilitation
The Council recognises that, where reasonable, it may be appropriate for an employee who has been sick but who is recovering to begin a process of return to work. Employees who are ill should not return to work until they are able. However, all possible provisions should be considered to facilitate a return to work at the earliest opportunity in a meaningful and appropriate role.

A period of rehabilitation may improve an employee’s rate of return to full health and be seen as advantageous to the Council in re-integrating an employee who has been absent. Such adjustments should be agreed by the manager/supervisor with advice from the Occupational Health Service.

MONITORING AND MANAGING ABSENCE

Managers/supervisors have a responsibility to monitor the duration, patterns and frequency of individual absences.

An employee may be required to attend a meeting to discuss their attendance where:

- The attendance level is significantly lower than those of comparable employees.
- When the level of attendance creates a particular operational difficulty.
- Where there is a recognisable pattern of absence.

An employee will be given five days’ notice in writing of any formal meetings and informed of their right to be accompanied by a trade union representative or work colleague during the meeting.
Frequent absence is the most disruptive form of absence to Services and over a period of time can adversely affect the morale and performance of colleagues and the delivery of services.

Over a 12 month period, should an employee have:

• 3 or more separate occasions (amounting to 3 or more working days), or
• a total of 6 or more working days of sickness absence (over one or more occasions)

an assessment must be made, on a case by case basis, to determine the level and reasons for absence and whether a formal Sickness Absence meeting is required.

• At the first formal Sickness Absence meeting with the employee the manager/supervisor will explore the reasons for frequent absences, offer support and where reasonably practicable put in place assistance to enable the employee to attend work on a regular basis.

• Consideration should also be given to requesting advice from the Occupational Health Service to establish if there is any underlying medical condition related to the level of absence and whether any reasonable adjustments or additional support is required.

• It may be that ongoing support and monitoring of absence levels is all that is required.

If, however, the absence level continues to cause concern, it may be necessary to move to the next stage in the procedure and convene a further formal Sickness Absence meeting at which consideration is given to obtaining occupational health advice and setting a review report.

If the Occupational Health Service does not support the absence levels, a formal review period should be initiated. An employee should be:

• Informed that their attendance level is not acceptable and impacts upon the efficient and effective operation of the Service;

• Provided with the opportunity to improve their attendance over a reasonable period of time;

• Given an explanation of the course of action that may follow if the improvement sought is not achieved.

• Advised of the right of appeal against this decision.
If attendance levels improve, the employee should be formally advised that no further formal action will be taken. However, should attendance not improve to a satisfactory level within the stipulated time period, a further formal Sickness Absence meeting will be arranged. This meeting may result in the employee:

- Being granted a final formal review period. The employee will be advised that, if no improvement is forthcoming during the review period, dismissal may be considered. The employee will have the right of appeal against this decision.
- Being dismissed. The employee will have the right of appeal against this decision.

A Personnel Officer will be in attendance at any meeting which could potentially lead to dismissal.

Any improvement in attendance should continue for a sustained period and will be subject to ongoing monitoring. In the event that absence increases again, the manager/supervisor may initiate a formal review period.

**APPEALS**

An employee is entitled to appeal against a final opportunity to improve their attendance level or against the decision to dismiss. An appeal must be lodged in writing with the Executive Director within 10 working days of receipt of the letter which confirms the decision. Appeals against a formal review period will be heard by the Executive Director or nominated officer. Appeals at a higher level e.g. final formal review period or dismissal will be heard by the Appeals Sub-Committee comprising of elected members.

**RESPONSIBILITIES**

The Council, Chief Executive and Executive Directors

Perth and Kinross Council recognises its responsibilities and duty of care for the health, safety and welfare of all employees under the relevant legislation and regulations and are committed to being proactive in promoting the health, safety and wellbeing of its employees.

The Chief Executive and Executive Directors are responsible for the effective operation of the procedure across the Council and within their respective Services and are committed to proactively demonstrating an ongoing responsibility for employees’ health, safety and wellbeing.
Managers

- Promote the health, safety and wellbeing of all employees
- Understand and work within the framework of the procedure and act consistently and fairly, dealing with each case on its own merits.
- Conduct welcome back meetings and other attendance meetings
- Maintain regular communication with employees who are absent from work
- Ensure employees are aware of the procedure and their responsibilities, the range of support available and the consequences of not complying with the procedure.
- Take part in training relating to employee health and attendance
- Ensure that all recording of health and attendance issues is maintained with respect for confidentiality.
- Monitor attendance and take appropriate action.

Employees

- Maintain a healthy lifestyle, ensuring their lifestyle does not impact on their ability to attend work
- Inform managers/supervisors of any health and safety issues affecting their work.
- Attend welcome back meetings and other attendance meetings and co-operate with the Occupational Health Service and other organisations that provide support to the Council and its employees. Ensure that medical advice and treatment, where appropriate, is received and followed as quickly as possible in order to facilitate an early return to work.
- Be responsible in ensuring that, so far as is reasonably possible, they protect themselves and other employees from the risk of infection, injury or undue stress whilst at work.
- Raise concerns at an early stage with managers/supervisors, or other appropriate managers, if a sickness absence is connected to their employment.
- Promptly report their inability to attend work in accordance with the sickness absence reporting procedure and ensure that the appropriate certification is provided.
- Maintain regular contact with managers/supervisors during any absence and communicate effectively about the reasons for the absence

SUPPORT

In order to support this procedure and its implementation, the following services are available:

Occupational Health
Provides professional and specialist advice and guidance on the impact of ill health on work, and what steps the Council and/or employee may take to assist an employee to attend work. It carries out health screening and health surveillance in respect of the duties of particular posts as a preventative measure. Health promotion work will also be provided.
**Employee Counselling**  
Provides a free, confidential professional service for employees to discuss concerns related to work or personal circumstances.

**Human Resources**  
Human Resources will be responsible for co-ordinating corporate health and wellbeing initiatives and the provision of training and managers’ guide to support the procedure.

Human Resources will provide advice and support to managers particularly on issues of a more complex nature, in all aspects of health, safety, wellbeing and attendance.

**Staffing Teams in Service**  
Provide support and advice to managers/supervisors and employees on health, safety, wellbeing and attendance, including personnel administration, maintenance of personal files and identifying issue which require input from Human Resources and occupational health.

**Employee Guides**  
Information that supports and advises employees who have health issues which may impact on their ability to attend work on a regular basis.

**Managers Guides**  
Information that supports, guides and advises managers implement this procedure and associated policies and procedures.

**Training**  
Mandatory training will be available to develop the skills of managers/supervisors to allow this procedure to be put into practice effectively.

**Employment Disability Unit**  
The Employment Disability Unit is jointly funded by Perth and Kinross Council, Dundee City Council and Angus Council to create employment opportunities and to assist people with disabilities to find and maintain work. It provides advice and guidance to Human Resources, managers and employees.

**Other Policies & Procedures**  
The Council has in place a number of other policies and procedure which may be relevant when dealing with employee health and attendance. These include:

- Dignity At Work
- Health and Safety
- Managing Capability
- Managing Occupational Stress
- Redeployment
- Sickness Absence Reporting Procedure
- Smoking At Work
- Substance Misuse
- Work Life Balance/Flexible Working
MONITORING AND REVIEW

The procedure will be reviewed to ensure its continuing relevance and suitability. The Council will consider regular management information to monitor trends and to ensure a continued proactive approach.