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24 August 2009

S U M M O N S

MEETING: Personnel Sub Board
DATE: 2 September 2009
TIME: 6.00pm
PLACE: Committee Room 1, Town Hall, Gosport
Democratic Services contact: Catherine McDonald

LINDA EDWARDS
BOROUGH SOLICITOR

MEMBERS OF THE BOARD

Councillor Carter (Chairman)
Councillor Hook (Vice Chairman)

Councillor Burgess
Councillor Forder

Councillor Gill
Councillor Wright

The Mayor (Councillor Mrs Searle) (ex officio)

FIRE PRECAUTIONS

(To be read from the Chair if members of the public are present)

In the event of the fire alarm (continuous ringing sound) sounding, please leave the room immediately.

Proceed downstairs by way of the main stairs or as directed by GBC staff, following any of the emergency exit signs. People with disability or mobility issues please identify yourself to GBC staff who will assist in your evacuation of the building.

IMPORTANT NOTICE:

- If you are in a wheelchair or have difficulty in walking and require access to the Committee Room on the First Floor of the Town Hall for this meeting, assistance can be provided by Town Hall staff on request

If you require any of the services detailed above please ring the Direct Line for the Democratic Services Officer listed on the Summons (first page).

NOTE:

- i. Members are requested to note that if any member wishes to speak at the Sub Board meeting then the Borough Solicitor is required to receive not less than 24 hours prior notice in writing or electronically and such notice shall indicate the agenda item or items on which the member wishes to speak.
- ii. Please note that mobile phones should be switched off for the duration of the meeting.

AGENDA

PART A ITEMS

1. APOLOGIES FOR NON-ATTENDANCE

2. DECLARATIONS OF INTEREST

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter, any personal or personal and prejudicial interest in any item(s) being considered at this meeting.

3. MINUTES

To confirm the Minutes of the Sub Board meeting held on 10 June 2009 (copy attached)

4. DEPUTATIONS – STANDING ORDER 3.5

(NOTE: The Sub Board is required to receive a deputation(s) on a matter which is before the meeting of the Sub Board provided that notice of the intended deputation and its object shall have been received by the Borough Solicitor by 12 noon on Friday, 28 August 2009. The total time for deputations in favour and against a proposal shall not exceed 10 minutes).

5. PUBLIC QUESTIONS – STANDING ORDER 3.6

(NOTE: The Sub Board is required to allow a total of 15 minutes for questions from Members of the public on matters within the terms of reference of the Sub Board provided that notice of such Question(s) shall have been submitted to the Borough Solicitor by 12 noon on Friday 28 August 2009).

6. SICKNESS CERTIFICATION SCHEME

To seek the Sub-Board's approval for an update to the Council's Sickness Certification Procedure.

PART II
Contact Officer:
Kathy Inch
Ext 5224

Continued

Personnel Sub Board
2 September 2009

7. PAY REVIEW – 2009/10

PART II
Contact Officer:
Kathy Inch
Ext 5224

To advise the Sub-Board of developments relating to the national pay claim for 2009/10.

8. ANY OTHER ITEMS

-which the Chairman determines should be considered, by reason of special circumstances, as a matter of urgency.

9. EXCLUSION OF PUBLIC

To consider the following motion:

That in relation to the following items the public be excluded from the meeting, as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during these items there would be disclosure to them of exempt information within Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972, and further that in all circumstances of the cases, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons set out in the reports.

PART B ITEM
FOLLOWING THE EXCLUSION OF THE PRESS AND PUBLIC

| Item No. | Item | Paragraph no. of Part I of Schedule 12A of the Act | |
|----------|--|--|---|
| 10. | EARLY RETIREMENT – COUNCIL TAX (Report to follow) | Paragraph 1 Reason: The report contains personal information which is not considered appropriate to be released to the public. | PART II Contact Officer: Julian Bowcher Ext 5551 |
| 11. | EARLY RETIREMENT – DEVELOPMENT SERVICES (Report to follow) | Paragraph 1 Reason: The report contains personal information which is not considered appropriate to be released to the public. | PART II Contact Officer: Ian Lycett Ext 5201 |

AGENDA ITEM NO. 6

| | |
|-------------------------|--------------------------------|
| Board/Committee: | Personnel Sub-Board |
| Date of Meeting: | 2 nd September 2009 |
| Title: | Sickness Certification Scheme |
| Author: | Head of Personnel |
| Status: | FOR DECISION |

Purpose

To seek the Board's approval for an update to the Council's Sickness Certification Procedure.

Recommendation

That the Board approve the revised Sickness Certification Procedure attached as an appendix to this report, to be effective from 1st October 2009.

1 Background

- 1.1 The Sickness Certification Procedure is the local agreement which governs the way employees are required to notify sickness absence, and the consequences of failing to notify or certificate as required. It follows National provisions relating to sickness notification.
- 1.2 The Sickness Pay Scheme is a generous one, being that negotiated nationally for local government, and it is important to ensure that it is fairly applied and properly complied with.
- 1.3 Sickness is regularly monitored, with consideration being given to any appropriate actions. In 2006/7, there was a decrease in overall absence levels, but over the past two years there has been a small increase. In consequence, a number of additional steps are being taken to manage the situation. We already use two different trigger points for manager action, return to work interviews following each and every absence, medical referrals, monitoring and provision of information for managers, and counselling where appropriate.
- 1.4 In addition, it is considered timely to review and update the Sickness Certification Scheme, as well as providing additional training and guidance for managers, increasing staff awareness of absence statistics and expectations, and promoting well-being initiatives.

2 Report

- 2.1 The Scheme was last updated some 7 years ago, although guidance has been issued since then. A number of issues have arisen indicating the need to review it.
- 2.2 The increasing use of electronic means of communication, such as text messages and e-mails, has given rise to confusion as to whether this is an appropriate means of advising a manager of sickness.
- 2.2 The requirement in our current Scheme to produce a “fit to return” certificate after sickness of more than two weeks has proved difficult in practice, since it involves a return to the GP with the need to await an appointment.
- 2.3 There have been instances where the amount of information conveyed by employees when they report sickness has been insufficient for managers to plan ahead. This has resulted in the need to make contact with the employee, which has given rise to questions in some instances about the right of a manager to make contact whilst an employee is away from work because of sickness.
- 2.4 The provision of medical certificates has in some cases been delayed, with no contact being made by the employee concerned, and thus no knowledge of whether the sickness was continuing or when a return might be likely.
- 2.5 In consequence, the opportunity has been taken to incorporate additional guidance in the Scheme, and to highlight the circumstances in which pay will be withheld, that is, where there is a failure to observe the conditions of the Scheme, where it is abused, or where an employee is guilty of conduct prejudicial to recovery. These provisions are incorporated within National Conditions of Service.
- 2.6 UNISON have been consulted and have confirmed their agreement to the proposed revised Scheme.
- 2.7 The Board are requested to approve the revised Scheme with effect from 1st October 2009, to allow sufficient time for a personal copy to be provided to each member of staff.

3 Risk Assessment

- 3.1 The recommended revisions to the Sickness Certification Scheme should, together with the other actions already being taken and proposed, assist the Council in its management of absence.

- 3.2 It is hoped that these actions, the effect of which will be monitored, will reduce the level of sickness. It is, of course, appreciated that the effect of the swine flu pandemic is likely to have an impact.

4 Financial Implications

- 4.1 The cost of sickness absence can be indirect or direct, depending on whether it is necessary to employ extra staff for cover and for how long that situation continues.
- 4.2 Continued careful management of absence assists in keeping costs to the lowest possible level.

5 Conclusion

- 5.1 The Council's Sickness Certification Scheme has been reviewed and updated to incorporate additional guidance on the issues of communication and contact, and the withholding of pay.
- 5.2 The revised Scheme is attached as an appendix, and the Sub-Board are asked to approve it for adoption with effect from 1st October 2009.

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|---|---|
| Financial Services comments: | |
| Legal Services comments: | None |
| Service Improvement Plan implications: | |
| Corporate Plan: | Pursuit of Excellence – motivated staff delivering quality services |
| Risk Assessment: | Paragraph 3 |
| Background papers: | |
| Appendices/Enclosures: | Draft Revised Sickness Certification Scheme |
| Report author/Lead Officer: | Kathy Inch |

GOSPORT BOROUGH COUNCIL**STATEMENT TO EMPLOYEES ON THE SICKNESS PAY/CERTIFICATION SCHEME****Sickness Pay: Rights and Responsibilities**

Your terms and conditions of service in regard to sickness pay are determined by the National Joint Council for Local Authorities' Staff. The Sickness Pay Scheme gives an entitlement to sickness pay which varies dependent on length of service. Pay for sickness absence is subject to the provision of notification/certification as required.

Your entitlement to claim sickness pay under this Scheme may be suspended if you abuse the scheme, or are absent due or attributable to deliberate conduct prejudicial to recover, or your incapacity stems from your own misconduct or neglect, participation in professional sport or injury while working in your own time on your own account for private gain or for another employer.

Notification

| | |
|---------------------|--|
| First Day | If you are sick, you must make personal contact with your Line Manager as soon as possible on the first day of your absence, and in any case by 10 a.m. (or such earlier time as advised if your employment involves work commencing early in the morning). If you are too unwell to make the call, it can be made by a family member, or if appropriate a friend. Contact by text or e-mail is not acceptable. When you telephone, you should explain the reason for your absence and when you expect to be able to return. |
| Up to 7 days | Continue to keep your Line Manager informed on a daily basis of your absence and, in particular, any changes in the nature of your sickness or the likely duration of your absence. |
| More than 7 Days | You must immediately contact your Doctor and obtain a Medical Certificate which must be submitted to your Line Manager as soon as possible after visiting your Doctor. You should also telephone to let your Manager know the situation. If the Medical Certificate is not received, this affects your entitlement to pay. |
| Continuing Sickness | You must submit Medical Certificates to your Line Manager to cover your absence. As one Certificate is due to run out, if your sickness is continuing, you should ensure that you visit your Doctor in good time and obtain a further Certificate, which must be submitted to your Line Manager without delay. You should continue to keep your Manager advised of the situation. |
| Returning to Work | When you are fit to return to work, and have been absent for more than two weeks, it is advisable to obtain a final statement from your Doctor certifying that you are now fit. In any case, if your Manager is concerned about your fitness, such a statement may be required. You should submit that statement to your Line Manager. |

Self Certification – In addition, you will be required after each sickness absence (of whatever length) to sign a copy of the Council's self-certification form for any days not covered by a formal Medical Certificate. This must be done on the day of return in the presence of your Line Manager, as part of your return to work interview.

N.B. Your Doctor will not issue a sick note for the first 7 days of absence (weekends are included for calculation purposes). Likewise, the Council does not require a Doctor's Certificate for such periods, other than in the most exceptional circumstances – the Self-Certification form is used for this purpose.

Your Manager may need to make contact with you whilst you are away from work, for example, if insufficient information has been provided to enable appropriate cover to be arranged. Where a longer term period of sickness is involved, the type and frequency of contact will normally be agreed with you, e.g. so that you do not feel isolated or concerned about developments taking place in your absence, and so that your Manager is able to plan ahead.

Compliance with Requirements of Scheme

It is very important that you comply with the instructions set out above. If you do not do so, without reasonable excuse, pay will be withheld. It is **your** responsibility to maintain contact with your Line Manager so that he/she is kept aware of the likely duration of your absence.

If you submit any false information regarding your inability to work, this will be treated as serious misconduct and could lead to your dismissal.

Withholding of Sick Pay

Pay **will be withheld** for a period of absence where any employee has failed without reasonable excuse to observe the conditions of the Scheme, or has been guilty of abuse of the Scheme, or of conduct prejudicial to his/her recovery.

Some examples of failing to observe the conditions of the Scheme are as follows:

- Failing to notify line manager by 10 a.m. (or such other time as agreed for staff working outside normal office hours) on the first day of absence.
- Failing to keep in contact daily, as required, for continuing absence up to 7 days.
- Failing to maintain contact with line manager to confirm continuing absence after 7 days, and at expiration of Medical Certificate(s)
- Failing to produce promptly (e.g. within at least three days) a Medical Certificate to cover absence beyond the seventh day.
- Failing to produce promptly (e.g. within at least three days of the expiry of the previous Certificate) further Certificates for continued absence.

Where pay is withheld, employees have a right of appeal, initially to the Chief Executive or a Director, and ultimately to an Appeal Panel of the Council.

Repeated Short-Term Absences

The Council may require you to submit to a medical examination by a Doctor nominated by the Council to determine whether there are sufficient reasons for your absences, and whether you are medically fit to continue in your present job.

If there are doubts as to the reasons for your absence, it may be treated as a disciplinary matter and dealt with under the existing disciplinary procedure. You will have the normal rights of appeal under that procedure.

Long-Term Sickness

Where you have been ill for a long period, the Council may require you to submit to a medical examination by a Doctor nominated by the Council to determine the nature of your condition and the prognosis.

If you do not qualify for Statutory Sick Pay, or have exhausted your entitlement to it, you will be provided with form SSP1 since you may be able to claim a Social Security benefit.

Where you are declared medically unfit, you may be offered alternative employment of a lighter-duty nature if this is available, any reasonable adjustments may be considered, or you may be retired on the grounds of ill-health, depending on all the circumstances.

Where you are declared fit, the Council will seek your return to work as quickly as possible. This may be facilitated by a phased return to full working hours in appropriate circumstances.

The Council's Absence Management Procedure will be used in appropriate situations involving repeated short-term or long-term absences.

Disability Discrimination Act

The Council will have regard to the provisions of the Disability Discrimination Act in any situation where you are found to be suffering from a disability in accordance with that Act which affects your ability to carry out the duties of the job for which you are employed. The Council will seek to make any reasonable adjustments which may be possible and practicable.

Conclusion

This Statement contains some of the main provisions of the Sickness Pay and Certification Scheme as they affect you in notifying the Council, your allowances and the procedures to be followed to claim sick pay. It does not include every provision in the National Agreement – the full provisions may be viewed in the booklet of Conditions of Service which is available in your Service Unit, via the Personnel Section, on the Council's Infonet site (under Service Units – Personnel) or via your Union representative.

The Council reserves the right to review this Scheme after due consultation with Trade Union representatives.

AGENDA ITEM NO. 7

| | |
|-------------------------|--|
| Board/Committee: | Local Joint Staff Committee/Personnel Sub-Board |
| Date of Meeting: | 2 nd September 2009 |
| Title: | Pay Review – 2009/10 |
| Author: | Head of Personnel |
| Status: | FOR NOTING |

Purpose

To advise the Committee/Sub-Board of developments relating to the national pay claim for 2009/10.

Recommendation

That the Committee/Sub-Board note the information.

1 Background

- 1.1 A report was made to the last meeting of the Committee/Sub-Board, advising Members of the claim submitted by the Trade Unions for 2009/10 as follows:

“To improve real pay levels, the Trade Union Side seeks a one-year, across the board pay increase of at least the level of retail price inflation, with additional increases for the lower paid.

The Trade Union Side's 2009/10 pay claim is for one year only and distinct from any other negotiations over the Green Book. We would like negotiations to take place in an expedient manner and for settlement to be reached by 01 April 2009.”

- 1.2 The employers' response to the claim was an offer of an increase of 0.5%, which offer was made taking into account the recession and its effects, and the increased costs to councils of the award made for 2008/9 through arbitration. This was rejected by the Trade Unions.

2 Report

- 2.1 The employers and Trade Unions held further meetings, in consequence of which an improved and final offer has been made, which is now the subject of consultation between each Union and its members.

2.2 The employers weighed up a number of considerations in making the offer, in particular affordability, and the belief that a significant number of authorities may be unable to afford any pay increase at all next year. It was recognised that in some councils compensatory savings would need to be made in order to implement the offer and that this could lead to reductions in jobs.

2.3 The detail of the offer is as follows:

2.3.1 Pay

The offer involves an increase of 1.25% on national spinal column points 4 to 10 (Grade 1 and first points of Grade 2), and of 1% on spinal column points 11 to 49 (the top of Grade 2 and all other grades), thus providing a slightly higher increase for lower paid employees. The overall cost of the pay element of the agreement is 1.029%.

2.3.2 Annual Leave

The offer increases the minimum annual leave entitlement under National Conditions of Service from 20 to 21 days with effect from 1st April 2009. The increase only applies to employees with less than five years' service whose leave entitlement is 20 days per annum. It does not apply to staff whose basic entitlement is already in excess of 20 days, and there is no change to the minimum entitlement of 25 days for those with 5 or more years' service. The estimated cost nationally of this increase in leave entitlement is 0.0068% of the national pay bill, but this will vary between authorities dependent on the number of staff who will qualify for the extra day.

This part of the offer involves a revision to the national provisions as follows:

"The minimum paid annual leave entitlement is twenty one days with a further four days after five years of continuous service. The entitlement as expressed applies to five day working patterns. For alternative working patterns an equivalent leave entitlement should be calculated."

2.3.3 The offer also includes a commitment to produce joint guidance on best practice in handling redundancies.

2.3.4 If the offer is rejected, councils will not implement it unilaterally so there would be no pay increase for 2009/10.

3 Legal Implications

3.1 We incorporate national agreements into the contracts of employment of our staff, and are consulted by the national employers in their response to claims. If the 2009/10 offer is accepted, this will be applied effective from 1st April 2009.

4 Financial Implications

- 4.1 The Council's budget provided for an estimated settlement increase of 2.5% for 2009/10.

5 Conclusion

- 5.1 A final offer has been made by the employers in respect of the pay claim for 2009/10 of 1.25% for the lowest paid, and 1% for the majority of staff, with one additional day's leave for those on the current minimum of 20 days per annum.
- 5.2 The outcome of the unions' consultation with their respective memberships is awaited.

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|---|-------------------------------------|
| Financial Services comments: | 1% equates to approx. £100,000 p.a. |
| Legal Services comments: | |
| Service Improvement Plan implications: | |
| Corporate Plan: | |
| Risk Assessment: | Not applicable |
| Background papers: | |
| Appendices/Enclosures: | |
| Report author/Lead Officer: | Kathy Inch |