

To: **Employment Committee**
8 December 2021

HR POLICY REVIEW – MANAGING ABSENCE AND EQUALITY & DIGNITY AT WORK
Executive Director of Resources

1 Purpose of Report

- 1.1 The Human Resources team are undertaking a review of the policies with a view to update and, where applicable, rationalise the number required. A schedule has been established to undertake this work resulting in revisions to the Managing Attendance Policy together with a new Equality and Dignity at work policies.

2 Recommendations

2.1 That Employment Committee review and agree:

- i) the revised policy for Managing Attendance – therefore superseding the former Absence Management policy, procedure and guidance**
- ii) the policy for Equality and Dignity at Work Policy – therefore superseding the Fair Treatment Policy**

3 Reasons for Recommendations

- 3.1 To enable revised policies to be provided to assist managers throughout the Council in effectively managing and, where necessary, support their workforce and to comply with legal requirements and best practice.

4 Alternative Options Considered

- 4.1 To retain the existing policy for Absence Management as it does fulfil legal requirements but has proved difficult to navigate in some instances. This revised policy should assist more affective management of absence cases throughout the Council.

5 Supporting Information

- 5.1 It is recognised that the HR policies require review to ensure they remain up to date, follow best practice, effectively support managers in dealing with often complex cases and cover the Council's legal duties. As a result, a schedule has been established to review the current HR policies some of which have not been reviewed for some time.
- 5.2 The revised schedule has been established to prioritise those policies where there have been challenges to implement or where there has been a clear business case to do so. The Organisational Change and Agile Working polices are two which have recently been updated. In future, all new HR policies will include review times and the change history to ensure there is a regular programme of review and updates can be made as appropriate.
- 5.3 The process for reviewing the policies has included engagement with stakeholders across the Council and trade unions. The future development for this activity will include establishing a sub-group of the Workforce Board to facilitate engagement

across the Council so the pressures and challenges of each subject area can be considered.

- 5.4 The Managing Attendance Policy has evolved from the one titled Sickness Absence Management and includes the procedure and sample letters in one place where it was previously covered in three separate documents. Other changes include:
- Statement added for managers responsibilities.
 - Equality statement has been added
 - Recognition that absences resulting from menopause and Covid may need to be considered outside the standard absence triggers.
 - Sickness Pay - strengthening the employers right to act prior to the allowance being exhausted.
 - Strengthening the wording under redeployment and suitable alternative roles.
 - Further linking absence through menopause for consideration under the Equality Act.
- 5.5 The Equality and Dignity at Work Policy will supersede the Fair Treatment Policy and will further support the Council's approach to equalities. There is currently no separate policy document on equalities alone as the duties have been included in all other HR policies where the responsibilities under each are clearly defined. This approach will continue but given the profile of this work across the Council it is felt that this clear statement important. The main points to note in the policy are:
- Incorporating the role of the Equality Allies
 - Greater emphasis to the Council values and behaviours
 - Incorporating links to employee support arrangements
- 5.6 It is recognised that the policy and procedure alone does not provide the confidence and competence to manage workforce situations. The HR/OD Team will be supporting the effective management of these procedures through a programme of development for managers. This will complement the training programmes for inclusive conversations and Mindful and Compassionate Management.
- 5.7 The next procedures for review are the ones for Grievance and Disciplinary.

6 Consultation and Other Considerations

Legal Advice

- 6.1 As a responsible employer it is incumbent upon the Council to ensure that it has in place policies and procedures which provide a framework for enabling it to discharge its legal responsibilities in the field of employment law. These responsibilities are framed around a need to ensure employees have access to fair and transparent processes HR processes.

The updated policies provide a framework for decision making which (when followed) will mitigate the risk of successful legal challenges in relation to the management of sickness absence and in the context of discrimination law.

Financial Advice

- 6.2 Not required for this paper

Other Consultation Responses

- 6.3 The policies have been through a consultation exercise with trade unions. Any comments or suggestions received have either been incorporated into the policy or an explanation provided as to why it was felt inappropriate to do so.

Groups across the Council have had the opportunity to consider and comment on the policies including the Equalities Group.

Equalities Impact Assessment

- 6.4 The performance of these policies is monitored and included with the annual workforce monitoring report.

Strategic Risk Management Issues

- 6.5 Both policies being presented can have a significant impact on the Council where either poor people management or failure to follow due process could present legal challenges. This is aside the personal impact this can have on either individuals or wider teams where these important areas are not addressed well.

Climate Change Implications

- 6.6 The recommendations in Section 2 above are expected to have no impact on emissions of CO₂.

The reasons the Council believes that this will have no impact on emissions are the fact that these are employment procedures in place to support attendance and fair treatment for staff at work.

Background Papers

Managing Attendance Policy and Equality and Dignity at Work Policy Attached.

Contact for further information

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