

CORPORATE RESOURCES OVERVIEW AND SCRUTINY COMMITTEE

Committee Report

Public

Date of
Meeting:

1st August 2002

Title:

SICKNESS ABSENCE AND ILL-HEALTH RETIREMENT
PERFORMANCE INDICATORS

Report of:

Town Clerk and Chief Executive

Report
reference:

TC 138/02

Summary:

The report provides background information to enable Members to understand these two Performance Indicators and the Council's performance in relation to them. It is intended to assist Members in questioning the responsible officer (Head of Personnel Services) in relation to the indicators themselves, the reasons for current performance and ways of improving such performance.

Recommendations:

1. That Members question the responsible officer.
2. That the responsible officer be asked to come back to the next meeting of the committee with a draft

Action Plan for the Council to improve performance. The plan to include timescales, targets, any costs involved and proposals for funding the same.

Contact Officer: John Mallinson

Ext: 7010

1. The Indicators Defined

BV12 Sickness Absence - The number of working days/shifts lost due to sickness absence (average days per employee).

BV15 Ill-Health Retirements – Percentage of employees retiring on grounds of ill-health as a percentage of the total workforce.

Both these indicators are likely to be included in the Comprehensive Performance Assessment and will therefore influence the outcome of that assessment.

2. Current Performance and Targets

For Sickness Absence the Council is currently in the bottom quartile.

2000/01 performance 12.2 (days per employee)

2001/02 performance 12.7 (days per employee)

Current national performance: - bottom quartile 11.3 and worse, average 9.8, top quartile 8.2 and better.

2001/02 target 8.7 (days per employee).

2004/05 target 6.8 (days per employee). This being a nationally set target for districts.

For Ill-health Retirements performance has declined.

2000/01 performance 0.6%

2001/02 performance 1.17%

Current national performance: - bottom quartile 0.78% and worse, average 0.54%, top quartile 0.22% and better.

2001/02 target 0.65%

2002/03 target 1%

2003/04 target 0.9%

3. Breakdown of Performance

Sickness absence varies across the different parts of the organisation and is split between long term and short term. Because of this differing considerations are involved when it comes to effectively managing them.

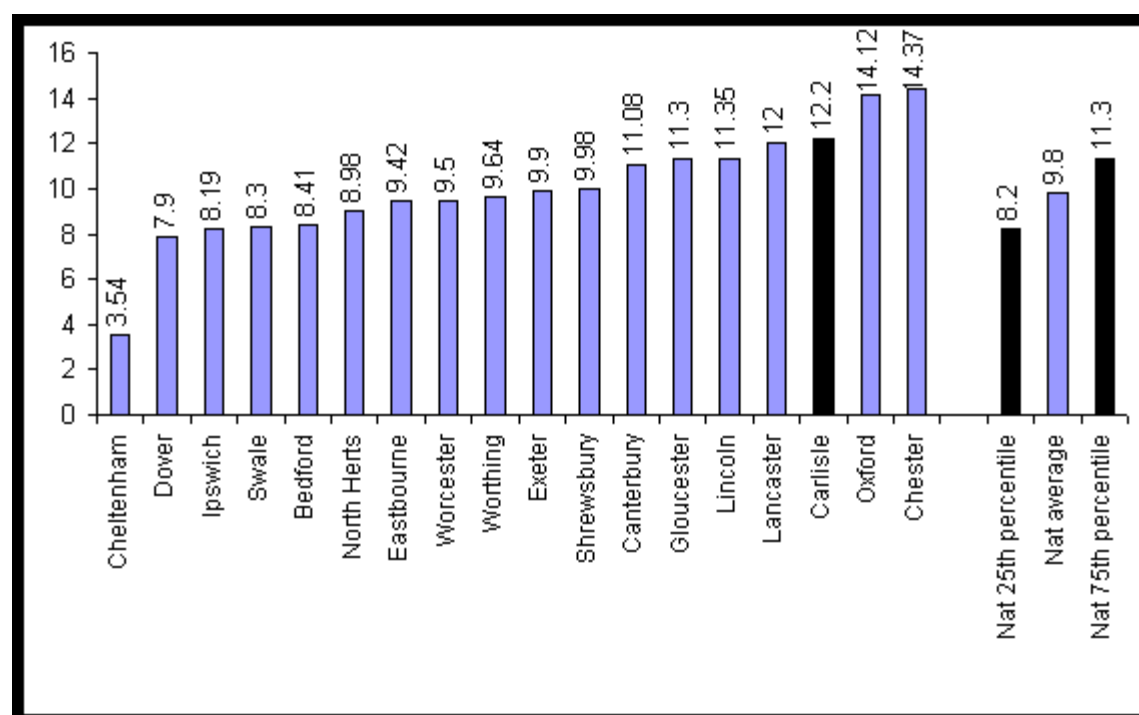
The following table shows absence rates analysed across the City Council from 1/04/01 to 31/03/02

Dept	Section	No. days absence - short term 1/4/01 - 31/3/02	Short term absence rate 1/4/01 - 31/3/02	av days short term absence per emp	No days absence - long term 1/4/01 - 31/3/02	Longterm absence rate 1/4/01 - 31/3/02	av days Long term absence per emp	No days absence - overall 1/4/01 - 31/3/02	Absence rate 1/4/01 - 31/3/02	Av. Days absence per employee: 1/4/01 - 31/3/02
TC & CE	Admin/comm/tel/keepers	19.0	0.5	1.1	89.0	2.1	4.9	108.0	2.6	6.0
	Legal	3.0	0.2	0.4	0.0	0.0	0.0	3.0	0.2	0.4
	Central	26.0	1.3	2.9	0.0	0.0	0.0	26.0	1.3	2.9
	Policy & Strategy	49.8	2.4	5.5	0.0	0.0	0.0	49.8	2.4	5.5
	Personnel	38.0	2.1	4.8	0.0	0.0	0.0	38.0	2.1	4.8
	Communications	24.0	1.7	3.9	134.0	9.5	21.7	158.0	11.1	25.6
	Econ. Development	111.5	2.3	5.3	150.5	3.1	7.1	262.0	5.4	12.4
	Total TC & CE	271.3	1.5	3.4	373.5	2.0	4.7	644.8	3.5	8.1
CT	Financial Services	124.0	1.9	4.5	0.0	0.0	0.0	124.0	1.9	4.5
	Revenues	388.0	2.7	6.1	784.5	5.4	12.3	1172.5	8.0	18.4
	IT	86.0	2.2	5.0	195.5	5.0	11.4	281.5	7.1	16.4
	Total CT	598.0	2.4	5.5	980.0	3.9	9.0	1578.0	6.3	14.5
Housing	Central	10.0	1.4	3.1	0.0	0.0	0.0	10.0	1.4	3.1
	Finance&Support	92.0	4.2	9.7	63.0	2.9	6.6	155.0	7.1	16.3
	Client & Enabling	120.0	2.0	4.6	188.5	3.1	7.2	308.5	5.1	11.8
	Supported Hsg	303.0	2.9	6.7	504.0	4.9	11.2	807.0	7.8	17.9
	Hsg Prov sub/t	515.0	2.8	6.4	755.5	4.1	9.4	1270.5	6.8	15.8
	Hsg Mgmt	147.0	2.4	5.5	56.0	0.9	2.1	203.0	3.3	7.6
	Repairs/Improv	184.5	4.0	9.1	171.0	3.7	8.4	355.5	7.6	17.6
	Ten Serv sub/t	331.5	3.1	7.1	227.0	2.1	4.8	558.5	5.2	11.9
	All Housing	856.5	2.8	6.6	982.5	3.3	7.5	1839.0	6.1	14.1
DEAD	Design & Central	171.5	1.8	4.2	0.0	0.0	0.0	171.5	1.8	4.2
	Environmental Svce	216.0	2.6	5.9	119.0	1.4	3.3	335.0	4.0	9.2
	Planning	133.0	1.6	3.7	30.5	0.4	0.9	163.5	2.0	4.6
	Property Services	19.0	1.0	2.2	26.0	1.3	3.0	45.0	2.3	5.2
	C/Works APT&C	160.0	1.3	2.9	24.0	0.2	0.4	184.0	1.5	3.3
	C/Works Manual & Craft	1599.0	2.4	5.4	3621.5	5.3	12.3	5220.5	7.7	17.7
	Total DEAD	2298.5	2.1	4.9	3821.0	3.5	8.1	6119.5	5.6	13.0
Leisure	Central	30.0	6.0	13.9	0.0	0.0	0.0	30.0	6.0	13.9
	Bereavement	13.0	0.8	1.7	136.0	7.9	18.1	149.0	8.6	19.9
	Comm Development	61.0	1.1	2.6	127.0	2.4	5.5	188.0	3.5	8.1
	ECCP	89.0	3.2	7.4	49.5	1.8	4.1	138.5	5.0	11.5
	Leisure contracts	249.8	1.8	4.1	406.0	2.9	6.7	655.8	4.7	10.8
	Parks & Countryside	40.0	1.4	3.3	334.0	12.1	27.8	374.0	13.6	31.2

	Sports Development	29.5	5.1	11.8	0.0	0.0	0.0	29.5	5.1	11.8
	Tullie House	146.5	2.0	4.7	54.0	0.8	1.7	200.5	2.8	6.4
	All Leisure	658.8	1.9	4.4	1106.5	3.2	7.3	1765.3	5.1	11.7
<u>Total all employees</u>		<u>4683.1</u>	<u>2.2</u>	<u>5.0</u>	<u>7263.5</u>	<u>3.4</u>	<u>7.7</u>	<u>11946.6</u>	<u>5.5</u>	<u>12.7</u>

The above table shows much detailed information. It also highlights a number of important factors including the following. In many areas long-term sickness has a major impact on performance. Long-term sickness can disproportionately impact on performance especially in smaller Business Units. Absence rates are influenced by the nature of work undertaken, for example manual workers are at greater risk of injury and staff in direct contact with large numbers of customers may be at greater risk of common infections.

4. Comparative Performance



Sickness Absence

The following table shows average days lost compared to our 'family group'

Ill-health retirement

This is a relatively new indicator so limited comparative data is available.

The following table compares % ill-health retirement with most Cumbria authorities for 2000/01

Carlisle	Copeland	Eden	Barrow	South Lakeland	Cumbria County
1.2	1.12	0	1.8	0.95	0.61

5.
6. Monitoring Arrangements

Absence information is recorded centrally and detailed reports are produced by Personnel Unit for each Chief Officer. These reports are broken down by section and identify for all staff both long and short-term sickness absences. The reports also provide analysis of the causes of sickness.

7. Council Policy

The Council's Policy on Sickness Absence Management was written in 1995 and updated in 2000, it is attached to this report as Appendix 1.

8. Manager Training

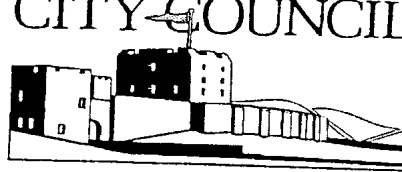
The authority has been aware of relative performance in this area for some time and has already taken various actions. An important one of these is in respect of Manager Training where a series of specific courses have been delivered in December 2001 and January 2002 and again in July 2002. A copy of the course programme (as delivered by North West Local Government Employers Organisation) and the trainer's presentation given as part of that course is attached as Appendix 2.

9. Recommendations

1. That Members question the responsible officer.
2. That the responsible officer be asked to come back to the next meeting of the committee with a draft Action Plan for the Council to improve performance. The plan to include timescales, targets, any costs involved and proposals for funding the same.

SICKNESS ABSENCE MANAGEMENT

**CARLISLE
CITY COUNCIL**



April 1995

(Updated July 2000)

CARLISLE CITY COUNCIL

POLICY & GUIDELINES FOR MANAGERS ON ABSENCE CONTROL

1. Introduction

Absenteeism is a problem that results in lost productivity and general disruption to work schedules. It is costly and particularly difficult to accommodate owing to its irregularity, together with the fact that it is seldom known in advance and seldom occurs to any pattern.

This policy and procedure is produced as guidance to assist Managers in dealing with employees sickness absence, both short and long term, in a sympathetic and supportive manner whilst recognising the fundamental need to provide an efficient and effective service.

In all cases there is a requirement for proper investigation and consultation with the employee, to ensure the handling of sickness is carried out in a fair, supportive and efficient manner whatever the duration or pattern of absence. It is important to remember that every member of staff is likely to be ill at some time and that as a caring employer Carlisle City Council wishes to be supportive with a view to helping each member of staff maintain a satisfactory attendance record.

2. Policy Statement

- 2.1 This Council aims to achieve sickness absence levels in line with Best Value Performance Indicator targets (currently an average of 6.8 days per person or 3.0%) and it will ensure that the achievement of such a rate will be a key management responsibility on an ongoing basis.
- 2.2 Managers will be provided with training, support and guidance in order to ensure that they are adequately equipped to tackle individual sickness problems.
- 2.3 All employees will be treated in a fair and consistent manner. The ultimate aim will be to handle sickness in a supportive and efficient manner whatever the duration or pattern of absence.
- 2.4 The Council recognises that every member of staff is likely to be sick at some time. It also recognises that long-term sickness should be handled in a different manner to frequent short-term (particularly uncertified) periods of sickness and will ensure that procedures are in place which reflect this difference.
- 2.5 With regard to long-term sickness, the Council realises that any protracted absence through illness is normally in itself a source of anxiety for staff who may become particularly anxious about the security of their employment. In order to provide maximum support to employees faced with this predicament, the advice and guidance of an Occupational Health Medical Officer will always be available.

- 2.6 The Council recognises its commitments and responsibilities to staff who have a disability or become disabled during their employment. Individuals will be treated as sympathetically as possible. Specific guidance in this area is available from the personnel section.
- 2.7 Employees will be aware that their performance, including attendance records, will be monitored by their manager.
- 2.8 Employees will be aware of the notification procedure for absence of any kind (Manager/Supervisor must be notified within two hours of normal starting time, on first day of absence and subsequently on the 4th day of absence).
- 2.9 Managers will personally monitor the attendance of the staff they supervise.
- 2.10 Managers will be personally responsible for dealing with absence in their own departments and will not abdicate responsibility to other departments.
- 2.11 Accurate records of sickness absence must be kept to enable identification of individual absence patterns at an early stage.
- 2.12 Employees who experience ill health will be treated sympathetically.
- 2.13 Managers will ensure that contact is made with each employee on his/her return to work following a sickness absence, and a return to work interview is carried out. This may range from a brief informal chat with a person who has previously had a good absence record to a more serious interview with anyone whose absence level is regarded as a problem as indicated at 4.4 below.
- 2.14 If the employee indicates an unwillingness to discuss the nature of the illness with their Manager for personal reasons, the Personnel Department will be available to assist.
- 2.15 Employees will be made to feel that their contribution to the working group is valued.
- 2.16 In cases of persistent sickness absence, the situation will be carefully assessed and appropriate action will be taken.
- 2.17 In cases of long-term sickness absence, where termination of employment on grounds of ill-health is considered, action will only be taken if:
- (i) the employee has been counselled
 - (ii) the employee has been advised that continued absence may result in termination of employment
 - (iii) the possibility and availability of alternative work has been considered.

3. Monitoring and Record Keeping

- 3.1 Accurate recording of all absences will help to develop a fair and consistent managerial approach to work attendance. It will also help to raise staff awareness to management's interest in this area whilst highlighting to each individual their own standard of attendance. It is an integral part of each manager's responsibilities.
- 3.2 The most important aid to effective absence management is the detailed individual record. This should accommodate all forms of absence that an employee may take eg. sickness, holidays, lieu days, leave of absence, unauthorised absence and compassionate leave. Records must be accurately maintained as they will form part of the evidence needed for formalised action. Accurate records will also ensure that each employee is dealt with fairly.
- 3.3 Corporate monitoring of sickness absence will be undertaken centrally by the Personnel Section. Statistical information regarding the overall work attendance within the organisation will be derived from the records maintained by Departments. Overall monitoring of absence levels and trends will be carried out every quarter and findings reported to COMT and to the Personnel & Training Sub Committee.

4. Frequent and Persistent Short -Term Absence

- 4.1 This relates to situations where the employee is frequently absent, usually as a result of minor ailments. These absences may or may not be covered by medical certificates.

4.2 Short -Term Sickness Procedure

When dealing with frequent and short-term absences the following procedure will apply:

- * Employees must notify their manager of their absence and the reason for it within two hours of normal starting time on the first morning of any period of absence.
- * Managers must keep accurate attendance records for all their staff.
- * Employees must be interviewed by their immediate manager, in their normal workplace on the day they return to work following each spell of sickness absence (i.e. a return to work interview carried out).

- 4.3 In considering criteria for action on frequent sickness absence, there are two factors to be taken into account:

- (a) The percentage of sickness absence over a given period.
- (b) The number of periods of sickness absence over the same periods.

4.4 Whilst it must be stressed that each sickness absence case must be considered on an individual basis, it is suggested that the following may indicate that a problem exists:

- (a) Sickness absence in excess of three working weeks (including uncertified) in any period of twelve months accrued over three periods of absence or more, or
- (b) Persistent periods of uncertified sickness absence (ie in excess of 7 days in 12 months, or
- (c) Periods of self-certified sickness absence in excess of 4 periods in 12 months, or
- (d) Any levels of absence which show a trend or pattern of absence.

4.5 At the commencement of a period of sickness absence, it is the responsibility of the manager to consider the sickness absence pattern of the individual over the previous six months.

5. Initial Action

5.1 When any of the above 'indicators' is reached, the manager would be expected to review the case, seek the advice of the Personnel Section and decide what further action should be taken, if any. This could involve a discussion with the employee concerned and might include reference to the Council's Medical Advisers. The whole purpose of the discussion with the member of staff will be to discover if there are any medical or other problems with which management could offer help which might contribute towards the solution. The whole tenor of the discussion at this stage should be one of counselling, helping the employee to overcome the potential problem and agreeing action to improve the situation. The employee should be made aware of the consequences of continued poor attendance in such a way as not to cause unnecessary anxiety or stress.

6. Subsequent Action

6.1 The following procedure should be followed, if the level of frequent absence does not improve after suitable counselling.

6.2 Where an employee fails to respond to counselling it may be necessary to take more formal action under the Council's disciplinary procedure, which could lead to dismissal on grounds of capability or conduct, depending on the individual circumstances.

6.3 A medical examination may be considered before a final warning is issued, the purpose of which would be to assess the employee's capability to undertake normal duties and to determine if there are any underlying factors which prevent regular attendance at work. If an employee refuses to attend for examination, he/she should be informed that, in the absence of a medical report, action will be taken using the information available.

7. Long-Term Absence

- 7.1 This relates to situations where the employee is (or may be) absent for a prolonged period of time or has recurrent periods of time with a serious health problem. Where this type of absence occurs it is not appropriate to deal with the situation using a procedure of formal warnings. The approach adopted should balance the employee's need for time to recover with the organisation's need for work to be done.

It is the manager's responsibility to maintain contact with the employee and provide general welfare support throughout the period of absence. The personnel section is available for advice and can assist if issues are sensitive.

Where an employee is absent due to a long-term ill health problem, the following procedure should apply:

An interview should be arranged with the employee to discuss their progress. When arranging the interview it should be made clear that the discussion will be informal, but the employee should be allowed the opportunity to have a representative present if they wish.

Where recovery looks favourable and an early return to work seems probable the manager should review the situation every four weeks.

Where an early return to work is doubtful medical guidance should be sought to enable the appropriate future management of the situation. The Personnel Section will advise on the proper procedures which will ensure that the employee's permission is obtained, in writing, before an approach is made to their G.P., through the Area Health Officer, for a confidential medical report on their condition.

On receipt of the medical report a further interview should be arranged with the employee (and their representative if they wish) to discuss the options available. These options may include the following:

- (a) The employee will be fit to return to work in the near future and no further action should be required.
- (b) The employee is unfit to perform their current duties but is capable of other work. In this case alternative employment should be considered. There is a duty to consider the employee for any alternative employment which is available within the organisation (eg. lighter or part time work); there is, however, no obligation to create another job.
- (c) The employee will obviously be unable to return to work and there is no suitable alternative work. In this case the employee may be either;
 - (i) retired on the grounds of ill health in accordance with the terms of the Pension Scheme, provided that the medical

report indicates permanent ill health
OR

(ii) dismissed on the grounds of incapability due to ill health.

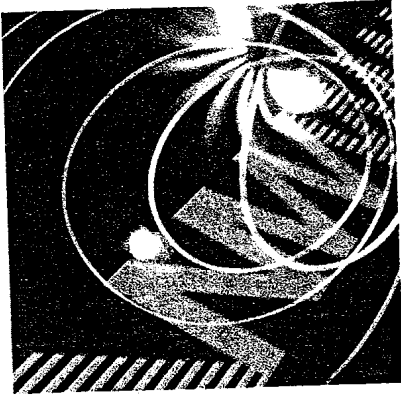
The employee should be kept fully informed if their employment is at risk.

In exceptional cases, such as terminal illness, it may be decided to take no further action. A flexible approach is extremely important in these cases.

8. Summary

- 8.1 A distinction should be made between absence on grounds of incapability and absence for reasons that may call for disciplinary action.
- 8.2 Proper investigation (based on accurate records) and consultation with the employee is essential.
- 8.3 Appropriate action should be taken based on investigative findings. No decision should be made without reference to the facts.
- 8.4 Before any decision is taken concerning termination, managers should ask themselves whether they have considered all available options and must be satisfied that they have acted reasonably in the circumstances.

APRIL 1995
Updated July 2000



NORTH WEST EMPLOYERS

CARLISLE CITY COUNCIL
MANAGING ATTENDANCE
12 DECEMBER 2001

MANAGING ATTENDANCE

Course Description:

This course concentrates on how long and short-term sickness should be approached and outlines a practical approach to absenteeism including monitoring and control, with particular reference to the role of management.

Course Objectives:

- Identify the key strategies and interventions involved in fair and effective attendance management
- Discuss the approaches and practices
- Consider the role and responsibilities of the individual manager
- Provide an overview of the legal framework
- Identify delegates concerns and provide guidance relating to attendance management issues

Course Method:

Formal lectures will be kept to a minimum with the emphasis being placed on group discussion and practical case studies/exercises.

Course Tutor:

David Carty, Employee Relations Adviser – North West Employers

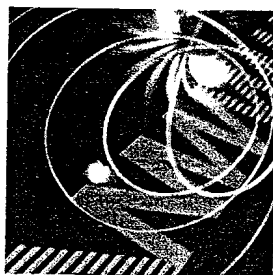
MANAGING ATTENDANCE

PROGRAMME

9.15 a.m.	Tea/Coffee and Registration
9.30 a.m.	Introduction & Welcome <i>Domestics</i> <i>Objectives</i> <i>Group introductions</i> What is attendance management? <i>Why do we bother?</i> <i>Absence – patterns and trends</i> <i>Creating a positive attendance culture</i> The approach to managing attendance Review of local procedures including: <i>Reporting and recording</i> <i>Self and medical certificates</i> <i>Monitoring</i> <i>Keeping in touch</i> <i>Return to work interviews</i> <i>Formal interventions for short and long-term absence</i> Legal framework: <i>Capability – health/attendance</i> <i>Duty to act reasonably</i> <i>Disability Discrimination Act</i> <i>Relevant case law</i> Summary: <i>Managers/supervisors key tasks</i> Questions
4.30pm	Close

Lunch will be 12.30pm – 1.30pm


There will be additional breaks during the morning and afternoon session.




NORTH WEST EMPLOYERS

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July 02.

	NORTH WEST EMPLOYERS
<h1>MANAGING ATTENDANCE</h1> <h2>CARLISLE CITY COUNCIL</h2> <p>David Carty Employee Relations Adviser North West Employers' Organisation</p>	

	NORTH WEST EMPLOYERS
<h1>AIMS AND OBJECTIVES</h1> <ul style="list-style-type: none">• Identify the key strategies and interventions involved in fair and effective attendance management• Discuss and be aware of local policies and procedures• Consider the role and responsibilities of the individual manager• Provide an overview of the legal framework• Identify delegates' concerns and provide guidance relating to attendance management issues	




PRE-COURSE QUESTIONNAIRES

- 90% wanted group discussions
- 75% wanted case studies
- 80% of you didn't want role play!



WHY MANAGE ATTENDANCE?

- The direct cost of sickness absence
- The effect on service delivery
- The effect on colleagues
- Statutory obligations
- Risk management
- A moral duty of care?
- Best Value and BVPIs

	NORTH WEST EMPLOYERS
<h2 style="text-align: center;">PATTERNS AND TRENDS</h2> <ul style="list-style-type: none"> • Public Sector higher than Private Sector • Highest levels in North West and North East regions • Social Services highest levels in local government • Manual occupations generally higher than office workers • Higher levels in larger work groups and authorities • Higher levels in Union environments • Mondays/Fridays and immediately before/after public holidays 	

NORTH WEST EMPLOYERS

CURRENT CARLISLE CC ABSENCE LEVELS

LOST TIME RATE	ALL EMPLOYEES %	WORKS CRAFT AND MANUAL %
1998/99	4.6	6.6
1999/2000	4.5	5.6
2000/01	5.4	7.1
2001/02	5.5	7.7



CARLISLE CC SICKNESS ABSENCE 2001/02

1. Debility/anxiety/stress/depression (16.4%)
2. Physical injury - non-work (14.3%)
3. Cold/flu/non-specific virus (13.4%)
4. Physical injury/accident at work (8.7%)
5. Back problems (7.4%)

...but 'Other' = 14.4%???



TARGETS FOR IMPROVEMENT

- Total average no. of days lost per employee
 - 12.2 (2000/01)
 - 12.7 (2001/02)
- Targets for improvement
 - 11.0 (2002/03)
 - 9.0 (2003/04)
 - 6.8 (2004/05)



CREATING A POSITIVE ATTENDANCE CULTURE


- Tackling work-related causes and improving working environment
- Promoting occupational health and staff welfare
- Establishing 'work/life balance' policies and procedures
- Systematic monitoring and pro-active management
- Commitment from elected members, management, personnel and OH services, trade unions and employees




EFFECTIVENESS OF POLICIES

- Return to work interviews
- Formal notification procedures
- Formal procedure for managing unsatisfactory attendance
- Absence statistics to line managers
- Occupational health provision
- Attendance bonuses... in 13th place out of 14!

CBI SURVEY 2001

	
	NORTH WEST EMPLOYERS

	
	NORTH WEST EMPLOYERS
<h2 style="text-align: center;">REPORTING PROCEDURE</h2> <ul style="list-style-type: none"> • Employee to inform supervisor or designated officer within 2 hours of normal start time (before 8.30am at Carlisle Works) • Contact again on 4th day of absence • Absence beyond 3 days, Sickness Declaration Form to be completed on return • Absence beyond 7 calendar days - medical certificate required 	



FREQUENT AND PERSISTENT SHORT-TERM ABSENCE

The following may indicate a problem-

- Sickness absence in excess of 3 working weeks (including uncertified) in any period of 12 months accrued over 3 or more periods of absence
- Persistent periods of uncertified sickness absence (i.e., in excess of 7 days in 12 months)
- Periods of self-certified sickness absence in excess of 4 periods in 12 months
- Any levels of absence which show a trend/pattern of absence



FREQUENT AND PERSISTENT SHORT-TERM ABSENCE

- A return to work interview is required on each return from sickness
- Manager can seek advice of Personnel
- Employee may be referred to medical adviser
- 'Discussion' with employee



'DISCUSSION' WITH EMPLOYEE - SUGGESTED OUTLINE

- Step 1 explain the purpose
- Step 2 informal stage - not part of disciplinary procedures
- Step 3 discuss
 - scale of the absence
 - possible underlying medical or work related reasons
 - any pattern of absence
 - can the Council help in any way?
 - referral to Council's medical adviser
- Step 4 set target and explain what happens if no improvement
- If no improvement - formal action under the Disciplinary Procedure may be required



LONG-TERM ABSENCE

- Manager's responsibility to maintain contact with the employee - interview should be arranged to discuss progress
- Representative can be present
- Review every 4 weeks
- Where an early return to work is doubtful medical guidance should be sought and Personnel will advise
- Approach to employee's GP with employee's permission




OPTIONS AFTER THE MEDICAL REPORT


- Employee fit to return in the near future so no further action
- Employee unfit to return to current duties but capable of other work - redeployment within the Council
- Retirement on grounds of ill-health
- Dismissal on grounds of incapability due to ill-health



DEFINITION OF ILL-HEALTH (LGPS)

- "...permanently incapable of discharging efficiently the duties of that employment or any available comparable employment with the authority because of ill-health or infirmity of mind or body."
- "permanently incapable" - until, at the earliest, age 65
- Must be certified by an independent registered medical practitioner who is qualified in occupational health medicine
- Based on current medical knowledge and the balance of probability

	
	NORTH WEST EMPLOYERS

	
	NORTH WEST EMPLOYERS
<h2>LEGAL FRAMEWORK</h2> <p>Five types of dismissal in law-</p> <ul style="list-style-type: none">• Conduct• Capability<ul style="list-style-type: none">- Performance- Health• Redundancy• Legal Restriction• SOSR	



DUTY TO ACT REASONABLY

- investigate
- consult
 - > employee/representative
 - > medical officer/disability adviser etc.
- inform/warn
 - > of necessary improvement
 - > within prescribed timescale
 - > consequence of no improvement
- consider alternatives
 - > adjustments
 - > redeployment



DISABILITY DISCRIMINATION ACT 1995

Definition: *'physical or mental impairment...
substantial and long-term effect on... normal day
to day activities'*

Duty of reasonable adjustment:

modifying the job
altering the workplace
relocation
alternative employment



NORTH WEST EMPLOYERS



The commitments are-

1. To interview all applicants with a disability who meet the minimum criteria for a job vacancy and to consider them on their abilities.
2. To ensure there is a mechanism in place to discuss, at any time, but at least once a year, with disabled employees what you and they can do to make sure they can develop and use their abilities.
3. To make every effort when employees become disabled to make sure they stay in employment.
4. To take action to ensure that all employees develop the appropriate level of disability awareness needed to make your commitments work.
5. Each year to review the five commitments and what has been achieved, to plan ways to improve on them and let employees and the Employment Service know about progress and future plans.



NORTH WEST EMPLOYERS



RELEVANT CASE LAW

Wilson v Post Office

SOSR dismissal for unrelated persistent short-term absence

Caledonia Bureau v Caffrey and Brown v Rentokill

must disregard pregnancy related absences

Clark V Novacold

*application of attendance policy contrary to Disability
Discrimination Act*

McMaster v Manchester Airport *no evidence of abuse of
scheme*

Hutchinson v Enfield Rolling Mills Ltd *evidence of abuse of
scheme*



MANAGERS'/SUPERVISORS' KEY TASKS 1

- Create a team atmosphere that positively encourages good attendance
- Ensure employees are aware of attendance rules - particularly notification, certification and return to work procedures
- Keep accurate records and monitor consistently
- Hold a 'return to work interview' with each employee on or around their first day back after every absence



MANAGERS'/SUPERVISORS' KEY TASKS 2

- Refer to next level in the process when attendance fails to improve without satisfactory explanation
- Recognise when improvements have taken place - and say so!
- Act sensitively, consistently and fairly. But remember, each case must ultimately be decided on its own facts
- If you're unsure - seek advice - don't leave it!