
Council - 20 May 2010

Changes to the 'Absence and Sickness Policy' and other HR policies

Executive summary and recommendations

Introduction

This paper invites the Council to approve changes recommended by the Finance and Resources Committee to the HPC's Absence and Sickness Policy and to a range of other HR policies.

Background

The proposed changes to the Absence and Sickness Policy focus on the production of medical certificates and the treatment of sickness during annual leave.

Currently HPC employees are required to obtain a doctor's certificate to cover periods of absence of more than three days. This differs from standard practice in the UK which is to require a doctor's certificate for absences of more than seven days. Complaints have been made both by GPs who believe that the HPC's current practice is disproportionate and by employees who have had problems obtaining certificates for short periods of absence. Complaints from GPs may increase following the recent introduction of the new 'fit note' system which requires the provision of an increased level of detail.

It is proposed that employees should be allowed to self certify absences of up to seven days. If this change is accepted, HR will monitor absences of between 4 and 7 days' duration to ensure that there is no resulting increase in absence rates.

Turning to sickness during annual leave, the provisions of the current policy result in HPC employees (other than those who transferred employment from the CPSM) losing their annual leave entitlement if they fall sick during annual leave. Recent case law (*Pereda v Madrid Movilidad SA*) suggests that this approach may no longer be appropriate. The policy needs to be revised so that sickness certified by a doctor during an employee's annual leave will not be deducted from annual leave entitlements.

In order to put these changes into effect sections 4, 5 and 6 of the policy have been reworded as set out in Appendix 1.

Further minor changes proposed for a range of other HR policies are set out in Appendix 2.

Date	Ver.	Dept/Cmte	Doc Type	Title	Status	Int. Aud.
2010-05-04	a	HRD	PPR	Absence and other updates Council May 10	Final DD: None	Public RD: None

Decision

Council is asked to:

- Approve the changes proposed to the 'Absence and Sickness Policy' in Appendix 1
- Approve the minor changes proposed to other HR policies set out in Appendix 2

Resource implications

Nil

Financial implications

Nil

Appendices

Appendix 1 – Proposed Changes to the Absence and Sickness Policy

Appendix 2 – Summary of Employee Handbook Changes April 2010

Date of paper

4th May 2010

Appendix 1

Proposed Changes to the Absence and Sickness Policy

4.0 Notification Procedure

- 4.1 On the first day of absence, employees are responsible for telephoning their line manager within an hour of the start of their normal working day. If it is not possible to reach the line manager, a message should be left with Human Resources or another appropriate manager. An indication should be given on the likely duration of absence and when contact will be made next. Contact by email or text message is not acceptable, and wherever possible, employees should make contact personally by telephone.
- 4.2 Managers must establish when employees expect to return or make contact again.

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5.0 Sick Certificates

5.1 Self Certification

If absent from work due to sickness for 7 calendar days (including weekends) or less, employees should self certify their absence through HRInfo immediately on their return to work.

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5.2 Doctor's Certificates

If an employee is absent due to sickness for 8 or more calendar days (including weekends) then, a Doctor's medical certificate is required and must be forwarded to the manager immediately. This should not be delayed until the return to work date. For periods of absence requiring a medical certificate, the certificate must cover the whole period without breaks between certificates. If an employee is charged a fee for providing a medical certificate, HPC will refund this cost through staff expenses provided the certificate states a fee was paid and the amount.

- 5.3 The HPC reserves the right to withhold the payment of sick pay where employees fail to provide certificates when required to do so. Managers should seek advice from Human Resources under these circumstances.
- 5.4 A medical certificate will either state that an employee should remain absent from work 'until' a certain date or for a stated

period, for example 'one week'. The date that the employee is due back to work is explained in the below examples:

- if a certificate states refrain from work 'until 1st June' this means that the employee is due back at work on the 1st June.
- if a certificate states refrain from work 'for one week' and is signed by the GP on a Tuesday this means that the employee is due back to work the following Tuesday.

5.5 Line managers must forward certificates to Human Resources as soon as possible.

5.6 Sickness certified by a doctor during annual leave will not be deducted from an employee's annual leave entitlement. A doctor's certificate should be obtained irrespective of the length of the sickness. In all other cases, if an employee falls ill while on annual leave they will nevertheless be considered to be on annual leave and not sick leave.

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5.7 A National Health Medical Certificate signed by your GP can be requested when any sickness absence occurs immediately before or after annual leave or public holidays.

6.0 Unauthorised/Un-Notified Absence

6.1 When an employee is absent without following the notification and reporting procedure and without good reason, the HPC reserves the right to withhold payment of sick pay. Managers will be responsible for informally investigating the absence and, if appropriate, referring to the Dismissal and Disciplinary Policy and procedure. Advice must be sought from Human Resources before the disciplinary procedure is initiated.

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6.2 Medical certificates should be provided as soon as possible (see 5.2). Failure of an employee to provide a certificate within a reasonable timeframe may also deem an absence as unauthorised and the above shall apply.

Summary of Employee Handbook Changes April 2010

- The Flexible Working (Eligibility, Complaints and Remedies) (Amendment) Regulations 2009 has extended the right to request flexible working to parents of children up to the age of 16. Previously the right applied to parents of children under 7 years old. The HPC Flexible Working Policy, contained in the Employee Handbook Section 3k, has been updated accordingly.
- Under The Working Time (Amendment) Regulations 2007 the minimum statutory holiday entitlement increased from 24 to 28 days. The HPC entitlement of 30 days plus bank and public holidays exceeds the statutory entitlement, so the impact on employees terms' and conditions, and necessary changes made to the handbook, are minimal.
- The Additional Paternity Leave Regulations 2010 entitle employees who are fathers or partners of mothers or adopters, to take paternity leave of up to 26 weeks in the first year of their child's life or the first year after the child's placement for adoption. The additional paternity leave has effect in relation to children whose expected week of birth is on or after 3 April 2011. The Paternity Leave policy, contained in the Employee Handbook section 4e, should be updated to include this statutory entitlement.
- Due to changes in HMRC tax guidelines, the services of the HPC's Employee Assistance Programme (EAP) can no longer be extended to the dependents and family members of employees. EAP usage by family members is low, and full services are still available to all HPC employees. Section 3h of the Employee Handbook, detailing the EAP, should be updated to reflect this change.
- The Equality and Diversity Working Group has requested some minor additions to the Induction policy to emphasise the importance of covering equality and diversity during employee induction and to draw new employees' attention to the role of the Group and to the information that it provides on the employee intranet.

Date	Ver.	Dept/Cmte	Doc Type	Title	Status	Int. Aud.
2010-04-14	a	HRD	PPR	Appendix 2	Final DD: None	Public RD: None