

## **EAST AYRSHIRE COUNCIL**

### **JOINT NEGOTIATING COMMITTEE FOR TEACHING STAFF - 12 FEBRUARY 2009**

#### **JNCT CIRCULAR 19: REVISED ABSENCE MANAGEMENT**

#### **Joint Report by Depute Chief Executive/Executive Director of Corporate Support and Executive Director of Educational and Social Services**

## **1. PURPOSE**

- 1.1** The purpose of the report is to ask the Joint Negotiating Committee to approve the adoption of a single corporate Managing Absence Policy and Procedures incorporating Teaching Staff.

## **2. BACKGROUND**

- 2.1** Teaching Staff have their own Managing Absence Policy which is contained in Standard Circular 73. The Council's Managing Absence Policy in respect of Local Government Employees, Craft Operatives and Chief Officers has been in place since 1996 and was last formally updated in July 2003 and communicated to employees in PER Circular 6/03.
- 2.2** In order to ensure effectiveness and continuing relevance, it is important that all Council Policies are reviewed and where necessary revised on a regular basis.
- 2.3** Over the last three years percentage absence levels have increased each year. The Council has agreed that there should be a single corporate Managing Absence Policy and Procedure applying to all employee groups but will not impact on the current contractual position of the employee groups concerned viz: Teachers, Chief Officials, Local Government Employees and Craft Operatives.
- 2.4** Cabinet have approved changes to the current Policies subject to consultation with the recognised Trade Unions. Discussions have taken place with representatives of all the Trade Unions including the Teaching Trade Unions and account has been taken of their comments.
- 2.5** The revised Policy and Procedures is not a "one size fit all" but is a consistent approach to deal with all employees of the Council. Where necessary throughout the Policy account has been taken of the specific conditions of service relating to

individual employee groups. The new arrangements will be reviewed after 12 months of operation.

### **3. PROPOSED CHANGES**

**3.1** The thrust of the revisions is to assist in the support arrangements for employees on sick leave, improve attendance levels by supporting employees but also making it clear what is expected of them. An important element of this is ensuring that Managers/Depute Heads/Headteachers have the appropriate skills which are required to address these and other issues.

**3.2** The main changes in respect of Teaching Staff are as follows:

- The Council's Sickness Absence Management Policy will apply to all employees of the Council but will not impact on the current contractual position of the employee groups concerned.
- Clearly defined responsibilities at the different levels within the Council have been identified to ensure that everyone is aware of their individual and collective responsibilities.
- A checklist of actions to be taken by Managers/ Depute Heads/ Headteachers relating to Absence Review Meetings has been developed
- 6 spells of absence (each of less than 28 days duration) or 22 working days (cumulative and not one continuous period) over a 2 year period whichever is the less is deemed to be an unacceptable level of short term absence.
- Managers/ Depute Heads/Headteachers to formally carry out a documented process with the employee on their return to work. The return to work interview with the employee will take place on their day of return to work. This will normally be face to face but may in certain circumstances be by telephone. A template of questions to be asked has been developed by Human Resources to ensure that a consistent approach is adopted throughout the Council.
- A Follow Up Absence Review Meeting must be held no later than 3 months from the date of the initial meeting or earlier if considered necessary by the Manager/Depute Heads/Headteachers. The timing of this meeting will be at

the Manager/Depute Heads/Headteachers's discretion having regard to the circumstances of each case. Thereafter, Follow Up Absence Review Meetings to be held as frequently as determined by the Manager/Depute Heads/Headteachers within the maximum period of 12 months from the date of the initial review meeting to ensure that the employee continues to achieve a satisfactory level of attendance at work.

- In accordance with arrangements laid down by Audit Scotland, sickness absence to be recorded and reported on the basis of number of days absence which will enable consistent comparisons to be made with other sectors.
- The current documentation submitted to Occupational Health to be revised with more defined questions being developed in respect of the specific demands of the job. In addition, Occupational Health to advise whether the employee is able to return to work to carry out other duties within the remit of the job or similar jobs. The revised standard questions to be developed in conjunction with the Council's OHS. The employee's job overview document and the teacher's job description will be included as part of the standard documentation forwarded to OHS. Documentation relating to redeployment will advise Teachers of the provisions of paragraph 6.11 of the SNCT Handbook.
- Managers/ Depute Heads/Headteachers to be reminded of the facility for them to discuss referrals with Occupational Health prior to the employee being seen by Occupational Health. These discussions to be supported by Human Resources Officers.
- In addition to the current provision, in cases of musculoskeletal and stress issues, departments to contact Occupational Health via their Human Resources Officer after receipt of employees' first medical certificate (Med 3 or self certification form). On notification from the Departmental Human Resources Team, Occupational Health to immediately phone employee to discuss position, related support measures and/or arrange medical examination.
- Managers/ Depute Heads/Headteachers to contact employees frequently during their initial four weeks of absence dependant upon individual circumstances and thereafter with minimum contact on a weekly basis during the period of absence. It is accepted that there can be sensitivities around this aspect but guidance on this will be contained in the Employee and Managers' Guidelines and will be covered in the relevant training.

- A corporate group of appropriate senior managers from each department and including representatives from the Occupational Health Service be established to meet on a quarterly basis. The Group to be chaired by the Depute Chief Executive/ Executive Director of Corporate Support.
- Documentation relating to disciplinary action will refer that any disciplinary action in respect of Teachers must be in accordance with the Teachers Disciplinary Procedures.

**3.3** The revised Procedures will continue to assist the Council to achieve and sustain a corporate and consistent approach to managing employees' sickness absences thereby assisting the Council to operate effectively and deliver quality services.

#### **4. COMMUNICATIONS**

**4.1** Teachers will be advised of the revised Absence Management Procedures via an updated employee leaflet and managers' guide, the Council's intranet site, Eastwords and the issue of a relevant PER Circular. In addition, a concise leaflet highlighting the key steps in the reporting and notification of sickness absence will be issued to all employees. The Booklets and leaflet will be included in the Job Induction pack for all future Council employees.

#### **5. TRAINING**

**5.1** It is recognised that training is key to ensuring that the revised absence management procedures are delivered effectively and uniformly within the Council. The Corporate Managing Absence Training Course will be updated to reflect the revised Policy and Procedures and Toolbox Talks for employees and Managers/ Depute Heads/Headteachers will be provided to emphasise the Council's guidelines on unacceptable levels of short term sickness absence and to upskill Managers/ Depute Heads/Headteachers in dealing with absence management issues.

**5.2** It is proposed that joint training be undertaken with both management representatives and Trade Union representatives attending the same training course.

#### **6. FINANCIAL IMPLICATIONS**

**6.1** Any additional costs arising from the proposed changes to the Absence Management Procedures during the initial six months period of introduction will be met from within the existing budget of the Department of Corporate Support. This arrangement will be reviewed after 6 months operational experience.

## **7. POLICY/LEGAL IMPLICATIONS**

- 7.1** The proposed changes will ensure that the Council meets its legislative requirements as an employer and continues to follow leading practice. The proposals meet the pursuit of continuous improvement and Best Value and contribute to the achievement of the Community Plan Theme –Improving Health by promoting well-being amongst the Council workforce, the majority of whom live within the Council's boundaries.

## **8. RECOMMENDATIONS**

- 8.1** The Joint Negotiating Committee is asked to:

- (i) approve the adoption of a single corporate Managing Absence Policy and Procedures incorporating Teaching Staff:
- (ii) delegate to the Joint Secretaries to revise the associated documentation to ensure that it reflects the teachers contractual position and conditions of service; and
- (iii) note the contents of the report.

Elizabeth Morton  
Depute Chief Executive/Executive Director  
of Corporate Support  
GP/JS  
3 February 2009

Graham Short  
Executive Director of Educational and  
Social Services

## **LIST OF BACKGROUND PAPERS**

1. Current Managing Absence Policy and Procedures in respect of Local Government Employees, Craft Operatives and Chief Officers (July 2003).
2. Teaching Standard Circular No 73.
3. Report to Cabinet on Revised Absence Management Procedures for all Council Employees.

Any person wishing further information should contact Martin Rose, Head of Human Resources (Telephone 01563 576092) or Andrew Sutherland, Head of Service: Schools (Telephone 01563 576126).