

MINUTES of the MEETING of the PERSONNEL COMMITTEE held via ZOOM, on THURSDAY
3 DECEMBER 2020 at 11.00AM.

PRESENT: Councillor Lesley Howes - Chairman
Councillor Sue Butterfill – Vice-Chairman
Councillor Peter Harman
Councillor Peter Harris
Councillor Maurice Weet

ABSENT: There were none

ALSO PRESENT: Graham Blew, Town Clerk
Martin Harding, Assistant Town Clerk / Responsible Financial Officer

134/20-21. ARRANGEMENTS AND CONSTRAINTS REGARDING FILMING OR RECORDING THE MEETING.

The Chairman explained the arrangements and constraints relating to the filming or recording of the meeting.

135/20-21. APOLOGIES FOR ABSENCE.

Apologies for absence were received from Councillors' Anita Barham (other commitments), Lorna Cross (other commitments) and Dr Jo Harman (due to medical reasons).

Recommended: That the reasons for absence, for Councillors' Anita Barham, Lorna Cross and Dr Jo Harman, be formally accepted and approved.

136/20-21. DECLARATIONS OF INTEREST IN ITEMS ON THE AGENDA.

There were none.

The Chairman gave the opportunity for the meeting to be adjourned at this point to accept questions from the public.

137/20-21. URGENT ITEMS / MATTERS ARISING FROM PREVIOUS MINUTES.

There were none.

138/20-21. TO CONFIRM AND SIGN THE MINUTES OF THE LAST MEETING HELD ON 28 SEPTEMBER 2020.

Recommended: That the minutes from the meeting held on 28 September 2020 be confirmed and signed.

139/20-21. APPRENTICESHIP SCHEME

Members considered the report detailing the Apprenticeship Scheme and, after discussion, it was agreed that the Apprenticeship Scheme should be fully investigated for possible future recruitment within the Parks Department with the appropriate budget for this allocated.

Recommended: That the Apprenticeship Scheme should be fully investigated for possible future recruitment within the Parks Department with the appropriate budget for this allocated.

140/20-21. STAFF APPRAISALS 2019 – 2020.

Members were informed that all relevant staff had undertaken their appraisals for the 2019 – 2020 period.

Recommended: That the item be noted.

141/20-21. TERMS OF REFERENCE (ToR).

The Personnel Committee Terms of Reference include:

The Committee shall meet in April/May and October each year and as required throughout the remainder of the year

Financial Regulation 4.4 includes:

The salary budgets are to be reviewed at least annually in November for the following financial year by the Personnel Committee

Members were asked to agree to amend the Terms of Reference and move the October meeting to November.

Recommended: That the ToR be amended as detailed above.

142/20-21. EXCLUSION OF THE PRESS AND PUBLIC.

MOVED BY Councillor Peter Harman and seconded by Councillor Sue Butterfill;

RESOLVED:

That, pursuant to section 1(2) of the Public Bodies (Admission to Meetings) Act 1960, that because of the confidential nature of the business to be transacted, the public and press leave the meeting during consideration of the following item(s).

No members of the press or public were present during discussion of the following item of business.

143/20-21. TOWN CLERKS APPRAISAL 2019 – 2020.

Members considered the confidential report and after discussion it was agreed:

Recommended:

1. That the contents, and decisions of the Town Clerks Appraisal 2019 - 2020, be finalised and endorsed.
2. That future Town Clerk appraisals be carried out with the Chairman and Vice-Chairman of the Personnel Committee with an item then placed on a Personnel Committee agenda to note the completion of the Town Clerks Appraisal process.

144/20-21. STAFFING MATTERS.

Members considered the contents of the confidential report which detailed a member of staffs' current absence levels due to certificated health issues.

Recommended: That the contents of the confidential report be noted.

145/20-21. STAFFING BUDGET 2021 – 2022.

Members considered the confidential report and after discussion it was proposed, duly seconded and agreed;

Recommended: That the Staffing Budget 2021 – 2022 be accepted and go forward to full Council as part of the draft estimates.

There being no further business, the Meeting closed at 11.45am.

Signed: _____ Date: _____
(CHAIRMAN)

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Swanscombe and Greenhithe Town Council recognises the contribution of its employees and is committed to providing good working conditions and health and safety standards.

It is the responsibility of the Town Council to make the most effective use of its employees and the Absence Management Policy contributes to that objective.

Key Principles.

This procedure enables the Town Clerk to address absence issues, both short and long term, in a fair, consistent and equitable manner. It is recognised however that all cases must be dealt with on an individual basis because of differing circumstances therefore this procedure gives an outline of the principles to be observed.

This procedure will be invoked where there is felt to be cause for concern regarding an employee's short term persistent or long-term absence.

The Town Council recognises that everybody is sick or subject to emergencies from time to time, however, regular attendance at work is a contractual requirement.

Short-term absenteeism refers to a series of illnesses that are often unconnected which result in frequent, short-term periods of absence.

It is acknowledged that occasions do arise when people are away from work on long-term basis as a result of chronic or acute ill health. Although each case will be dealt with on an individual basis this policy outlines certain principles that will always be observed. Long term absence would normally be classed as at least six weeks continuous absence.

The procedure applies to all staff within the Town Council except those in their probationary period.

To ensure equality for all, this policy will not discriminate either directly or indirectly, on the grounds of age, disability, gender reassignment, marriage, civil partnership, pregnancy / maternity, race, religion or belief, sex or sexual orientation or any other personal characteristics.

The policy and procedure will be reviewed periodically giving due consideration to any legislative changes.

General Points.

The Town council procedure for managing absence must be followed. It is the responsibility of every employee to report any absence and only in exceptional cases should this procedure be carried out by someone else on their behalf.

If an employee knowingly gives any false information or makes false statements about their sickness it may be treated as misconduct and may result in disciplinary action being taken. In proven cases of gross misconduct it could lead to dismissal (e.g. absent on sick leave andf working elsewhere).

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ABSENCE MANAGEMENT POLICY.

Employees will not be entitled to an additional day off if they are sick on a statutory holiday.

The Town Council reserves the right to request a doctor's Certificate for periods of absence of less than seven days in cases of short-term persistent absence. Where a cost is incurred, this will be reimbursed by the Town Council.

Any employee who unreasonably fails to comply with the Town Councils Absence Management policy and procedure may have their Occupational Health pay withheld.

The Town Council has the right to dismiss employees whilst they are receiving sick pay entitlement. Any decision to dismiss will be supported by medical advice. Employees who are dismissed are entitled to receive the full amount that would be equivalent to their occupational sick pay entitlement, plus relevant notice and leave entitlement.

Employee Responsibilities.

Reporting Absence.

All employees must contact the Town Clerk / Town Council office as early as possible on the first day of absence. The employee must make the call. The only exception is where it is clearly not possible for employees to ring personally – such as admission to Hospital.

Employees must talk directly to the Town Clerk, or Assistant town Clerk and not leave messages with anybody else.

If an employee does not have a telephone at home, or access to a mobile telephone they must make alternative arrangements for reporting sickness.

When reporting absence employees must give the following information:

- The reason for the absence (if known)
- The expected length of the absence (if known).

In cases of continued absence, employees must contact the Town Clerk or Assistant Town Clerk again on the fourth day of absence to provide them with up to date information.

Sickness Certification.

If an absence lasts for seven calendar days or less, on the first day back at work employees will be required to complete a Sickness Self-Certificate giving the reasons for absence. The employee must deliver this by hand to the town Clerk or Assistant Town Clerk for counter signature and subsequently this will be kept in the individual's personnel file.

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ABSENCE MANAGEMENT POLICY.

If an absence exceeds seven calendar days a doctor's statement of fitness to work certificate must be submitted to the Town Clerk or Assistant Town Clerk no later than the tenth day of absence, covering the absence from the eighth day.

If an absence continues beyond the period covered by the initial medical certificate, further fitness to work certificates must be submitted to give continuous cover for the period of absence. On eventual return to work employees' must complete the Sickness Self-Certificate in respect of the first seven days or less not covered by a doctor's medical certificate.

If the doctor's medical certificate does not specify the period of absence covered, it will be classed as covering a period of seven calendar days only.

Return to work interview.

On returning to work employees will be required to attend a return to work interview with the Town Clerk or Assistant Town Clerk to discuss their absence and to submit the required absence certificates.

The discussion should allow for an exchange of information and be as frank and as open as possible as this will prevent any misunderstandings concerning the nature of the absence.

This will also enable the Town Clerk or Assistant Town Clerk to discuss any assistance or reasonable adjustments that may be possible to enable an employee to return to work or prevent further absence occurring.

A record of the interview should be kept by the Town Clerk or Assistant town Clerk.

Short-Term Persistent Absence.

Monitoring and Consultation.

The Town Council operates an accurate method of recording and monitoring levels of absence. If the amount of time being taken off for illness is giving cause for concern the Town Clerk or Assistant Town clerk will discuss this with the employee at the return to work interview.

Continued Absence.

If absence levels continue to cause concern then employees should be referred to the Occupational Health Service for an independent medical examination. Alternatively a medical report may be requested from the individuals GP with the permission of the member of staff concerned.

If the absence is the consequence of an underlying medical condition then medical advice would be sought to identify any reasonable adjustments or assistance that the Town Council can provide.

Disciplinary Action.

Continued non-attendance may result in disciplinary action being taken if no underlying medical condition can be identified. This may be the form of either a verbal,

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first written or final written warning, and could ultimately lead to dismissal. As part of this process employees will be given the opportunity to improve their attendance.

Long-Term Absence.

Consultation and Discussion.

In cases of long-term absence the Town Clerk, or Assistant Town Clerk, must arrange to conduct regular "care and concern" interviews to discuss possible courses of actions should the absence continue (these interviews should be recorded and notes sent to the employee concerned).

If employees are too ill to travel the Town Clerk or Assistant Town Clerk may choose to conduct a home visit at a mutually convenient time.

Medical Advice.

In cases of long-term absence, regular medical assessments must be sought.

Where there is doubt regarding an employee's ability to return to work on a permanent basis advice must be sought from Occupational Health service Provider. Alternatively, a medical report may be requested from the individual's GP with the permission of the members of staff concerned.

Employees must make themselves available to attend medical referrals.

Returning to Work.

Wherever possible the Town Council will make its best endeavours to aid a return to work on a permanent basis. To establish the most effective way of doing this the Town Council may seek further medical advice.

This may include making reasonable adjustments to the employee's job, allowing a phased return to work, or by allowing the employee to return to work on a reduced or alternative hours basis.

Where a phased return to work is recommended through the medical assessment, the employee will be able to return to work on a part-time basis and receive their full pay. This will be for a maximum period of four weeks, after that the employee must substitute their annual leave for days not worked or receive payment only for the hours worked.

Where an employee requests a phased return to work themselves, annual leave should be taken for days not worked or they may opt to receive payment only for the hours worked.

Redeployment.

If medical opinion is that an employee is unfit to return to their former employment, the possibility of alternative employment will be considered. However, depending on the availability of alternative posts, this may not be possible.

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Ill-Health Retirement.

Should the medical opinion indicate that an employee is permanently unfit, employees may have the option for applying for early retirement on the grounds of ill health, in line with the provisions of their pension scheme. This option should be discussed with individuals in full at the appropriate time.

Resignation.

At any time during this process an employee may choose to resign from their employment. They are required to give their contractual notice and any outstanding accrued holiday entitlement will be paid in lieu.

Dismissal on the Grounds of Capability.

Should the dismissal of an employee be identified during the final care and concern meeting as the only appropriate option (i.e. all other options as outlined above have been investigated and found to be inappropriate) a formal capability review meeting will be held with the employee in question to fully consider the situation again.

Following the meeting if the employee is dismissed, they will be given a letter confirming the reason for dismissal, the date of dismissal, their right to appeal, any payment in lieu of contractual notice and any other payments to which they are entitled e.g. annual leave.

Sick Pay Conditions.

The sick pay conditions are financial provisions and indicate an entitlement to sick pay and in no way indicate the amount of sickness absence to which an employee is entitled.

Data Protection/GDPR.

All information relating to an individual's absence will be handled in line with Data Protection/GDPR principles and will be used purely to carry out the management of their employment.

Trigger Points.

Trigger points are agreed levels of sickness absence which, when reached, will trigger management action.

Where someone is approaching a trigger point, it may be an early indication of a problem and this should be informally discussed with the employee including reminding them of the standards expected and of the support available to help their attendance improve, including early interventions.

Trigger points are used to remind the Town Clerk, Assistant Town Clerk, that the amount of sick leave being taken may be a problem and that it should be addressed.

Before considering action, the Town Clerk, Assistant Town Clerk should consider each case on its merits and take account of:

- Isolated illnesses/accidents which should not lead to formal action in an otherwise good attendance record;

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- Staff who are disabled where special consideration may have to be given to a higher level of absence;
- Whether the absence has resulted from an industrial injury or illness, in these circumstances further action may not be appropriate;
- Whether the absence is related to pregnancy or an assault in connection with their duties in which case no further action should be taken.

Trigger Points.

Formal action should be considered when:

- Self-certificated absences in any 12 month period exceed 14 days;
- Absences exceed 7 days in a 6 month period or less, although one isolated absence of 7 days would not necessarily require action;
- Absences fall regularly on specific days e.g. Friday and/or Monday;
- Eight or more spells of sickness absence are taken in a 12 month period, or four or more spells are taken in a six month period or less, respective of the length of the absences;
- Absences for frequent and unrelated non-specific illnesses e.g. headache, stomach ache, back trouble, especially where these are self-certificated.
- A single period of absence exceeds 20 working days.

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