
Report To:	Policy and Resources Committee	Date:	17 September 2024
Report By:	Head of Organisational Development, Policy & Communications	Report No:	PR/30/24/RB/MR
Contact Officer:	Morna Rae	Contact No:	01475 711160
Subject:	OD, Policy and Communications Policy Updates		

1.0 PURPOSE AND SUMMARY

1.1 For Decision For Information/Noting

1.2 The purpose of this report is to seek approval of the following updated policies:

- Overpayment of Wages and Deductions from Salaries,
- Recruitment, Selection, Redeployment and Relocation, and
- Supporting Employee Attendance.

1.3 As part of the wider work in developing a policy framework a number of policies were identified for review and update. This work has been undertaken on a phased basis, alongside trade union consultation.

2.0 RECOMMENDATIONS

2.1 The Committee is recommended to approve the policies.

Morna Rae
Head of Organisational Development, Policy and Communications

3.0 BACKGROUND AND CONTEXT

- 3.1 The *Review of Council Policy Framework* report to the 26 March 2024 Policy and Resources Committee included a review schedule for Organisational Development, Policy and Communications policies. Seven policies were agreed by the June 2024 Policy and Resources Committee. A further three policies are now available for Committee review (Overpayment of Wages and Deductions from Salaries, Recruitment, Selection, Redeployment and Relocation, and Supporting Employee Attendance). The original timetable included the update to the Discipline Policy for the September Committee meeting. However due to long term sickness absence within the service this has not progressed at the anticipated rate. This will now be included in the next round of policy updates to Committee.
- 3.2 The three policies are provided in Appendices 2, 3 and 4. Appendix 1 provides an overview of the key changes. It should be noted that procedure documents are also available for employee use in relation to recruitment, selection, redeployment, relocation and supporting employee attendance.

Overpayment of Wages and Deductions From Salaries

- 3.3 The following changes have been made to the existing policy:
- Use of new policy template with related additional information added,
 - Reference to the claw back of annual leave entitlement,
 - Addition of definition of overpayment,
 - Addition of use of a template letter,
 - Addition of responsibilities on different groups in line with requirements of new policy template and
 - Additional information on the criteria and process for reductions in the amount of overpayment recovery.

Recruitment, Selection, Redeployment and Relocation

- 3.4 Updates from the previous policy include:
- Combination of three separate policies into one,
 - Use of new policy template with related additional information added,
 - Removal of operational sections from policy to procedures document,
 - On right to return to substantive post an addition that in exceptional circumstances the right of return would be to a suitable alternative on the same grade, with this included in the new contract,
 - More detail on relationships that should not be involved in the recruitment process,
 - Highlights the need for managers to check the redeployment register for possible matches,
 - Additional detail added on vacancy management and shortlisting,
 - Change from having an appropriate panel composition in relation to the gender of the candidates to having diversity in all panels,
 - Reference to relevant LNCT agreements,
 - Updates to safer recruitment checks, including PVG changes and references, and
 - On the relocation allowance addition of enquiries as to whether the allowances may be payable should be raised with the Head of OD, HR, Policy & Communications prior to actual expenditure being incurred.

Supporting Employee Attendance

- 3.5 The following changes have been made to the existing policy:

- Use of new policy template with related additional information added,
- Deletion of if a disciplinary hearing results in a formal warning this may be considered abuse of the scheme and the Occupational Sick Pay element of the last incident of absence which led to the hearing may be recovered from an employee's next pay normally up to a maximum of 5 days, and
- More emphasis on responsibilities of managers and employees.

3.6 Following Committee approval there will be promotion of the policies to employees. They will also form part of the website hosted information on corporate policies as well as being available on the intranet.

4.0 PROPOSALS

4.1 It is proposed that Committee approve the following updated policies:

- Overpayment of Wages and Deductions from Salaries,
- Recruitment, Selection, Redeployment and Relocation, and
- Supporting Employee Attendance.

5.0 IMPLICATIONS

5.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

SUBJECT	YES	NO
Financial		X
Legal/Risk	X	
Human Resources		X
Strategic (Partnership Plan/Council Plan)	X	
Equalities, Fairer Scotland Duty & Children/Young People's Rights & Wellbeing	X	
Environmental & Sustainability		X
Data Protection		X

5.2 Finance

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
N/A					

5.3 Legal/Risk

There are risks in the failure to have updated and relevant policies.

5.4 Human Resources

There are no Human Resources implications in terms of posts.

5.5 Strategic

This report supports the delivery of the following outcomes within the Council Plan 2023-2028:

- High quality and innovative services are provided giving value for money
- Our employees are supported and developed

5.6 Equalities, Fairer Scotland Duty & Children/Young People

Equalities

This report has been considered under the Corporate Equalities Impact Assessment (EqIA) process with the following outcome:

X	YES – Assessed as relevant and an EqIA is required and will be made available on the Council website: https://www.inverclyde.gov.uk/council-and-government/equality-impact-assessments
	NO – will be completed as required for specific topics.

Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

	YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
X	NO – Assessed as not relevant under the Fairer Scotland Duty.

Children and Young People

Has a Children's Rights and Wellbeing Impact Assessment been carried out?

	YES – Assessed as relevant and a CRWIA is required.
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X

NO – Assessed as not relevant as this report does not involve a new policy, function or strategy or recommends a substantive change to an existing policy, function or strategy which will have an impact on children’s rights

6.0 CONSULTATION

6.1 There has been engagement with trade union colleagues and Workforce Development Group.

7.0 BACKGROUND PAPERS

7.1 None.

Appendix 1

Overview of Policy Updates		
Policy On The Recovery Of The Overpayment Of Wages And Deductions From Salaries		
PAGE	TITLE	PROPOSED CHANGE
Throughout		Use of new policy template
4	Policy Content	Addition of definition of overpayment
4	Policy Content	Reference to the claw back of annual leave entitlement
5	Policy Content	In addition to employee being advised of the overpayment they will also be told of the reason for this arising.
5	Policy Content	Addition of use of a template letter
6	Policy Content	Additional information on the criteria and process for reductions in the amount of overpayment recovery.
6	Roles and Responsibilities	Addition of responsibilities on different groups in line with requirements of new policy template. Highlighted importance of services following processes promptly to minimise risk of overpayments.
Recruitment, Selection, Redeployment and Relocation Policy		
PAGE	TITLE	PROPOSED CHANGE
Throughout		Use of new policy template
Throughout		Combination of three separate policies into one
Throughout		Removal of operational sections from policy to procedures document
6	Application and Scope – Right to Return to Substantive Post	Addition - in exceptional circumstances the right of return would be to a suitable alternative on the same grade, with this included in the new contract.
7	Recruitment Process	More detail on relationships that should not be involved in the recruitment process
7	Recruitment Process	Emphasises the need for managers to check the redeployment register for possible matches
7	Recruitment Process	Additional detail added on vacancy management and shortlisting
7	Recruitment Process	Change from having an appropriate panel composition in relation to the gender of the candidates to having diversity in all panels
8	Safer Recruitment Checks	Updates to safer recruitment checks, including PVG changes, registration and references
9	Teacher Specific Recruitment Information	Reference to relevant LNCT agreements

14	Relocation Allowance	Addition - Enquiries as to whether the allowances may be payable should be raised with the Head of OD, HR, Policy & Communications prior to actual expenditure being incurred.
Supporting Employee Attendance Policy		
PAGE	TITLE	PROPOSED CHANGE
Throughout		Use of new policy template
8	Disciplinary Action	Deletion of <i>if a disciplinary hearing results in a formal warning this may be considered abuse of the scheme and the Occupational Sick Pay element of the last incident of absence which led to the hearing may be recovered from an employee's next pay normally up to a maximum of 5 days.</i>
9	Roles and Responsibilities	More emphasis on responsibilities of managers and employees

POLICY ON THE RECOVERY OF THE OVERPAYMENT OF WAGES AND DEDUCTIONS FROM SALARIES

Version No 3

Produced by:

Inverclyde Council
Municipal Buildings
GREENOCK
PA15 1LX

2024

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DOCUMENT CONTROL

Document Responsibility		
Policy Title	Corporate Group	Service
		OD & HR and Communications

Change History		
Version	Date	Comments
1	January 2004	
2	April 2016	Minor changes in the wording to reflect updated individual contracts of employment
3	July 2024	Addition of definition of overpayment. Transfer to new policy template. Addition of criteria for reduction in overpayment recovery amount.

Distribution
Corporate Directors, Heads of Service, Trade Unions, ICON

Policy Review		
Updating Frequency	Next Review Date	Responsible Officer
5 years	2029	Service Manager (HR Support + Payroll)

Policy Review and Approval			
Name	Action	Date	Communication
Policy and Resources Committee	Approved	17/09/2024	Website, ICON, Trade Unions, ECMT

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1 INTRODUCTION

1.1 EXECUTIVE SUMMARY

The purpose of this policy is to set out the steps which the Council will take to recover the overpayment of wages when they occur. It also outlines the other circumstances in which deductions can be made from salaries.

1.2 BACKGROUND

Inverclyde Council aims to ensure that all salary payments are paid accurately and timeously. However, it is recognized that occasionally overpayment may occur, for example, due to administrative errors or errors in claims to allowances and expenses.

1.3 STRATEGIC CONTEXT

This policy supports delivery on the Council Plan 2023/28 in relation to the following outcome – “high quality and innovative services are provided, giving value for money.”

1.4 LINKS TO LEGISLATION

This policy complies with employment legislation, including the Employment Rights Act 1996.

1.5 AIM

This policy aims to provide a fair and consistent approach to the recovery of overpayment and deductions from wages.

1.6 LINKS TO CORPORATE GROUPS

This policy links to the Trade Union Liaison Group.

2 SCOPE

This applies to all current and former employees of Inverclyde Council.

3 POLICY CONTENT

3.1 The Council will seek to recover all overpayments of wages in accordance with legal requirements.

3.2 All contracts of employment issued by the Council will contain reference to the policy on the recovery of overpayment of salaries or wages.

3.3 An overpayment is monies paid to an employee over and above their entitlement in terms of their conditions of employment relating to salaries/wages or related expenses/allowances including leave.

3.4 The Employment Rights Act 1996 provides that protection from deduction of wages does not apply to an overpayment of wages or employment related expenses. Under the Act,

Inverclyde Council is entitled to recover any sums due because of an overpayment in salary or any other allowances or payments including leave.

3.5 In addition, deductions can be made:

- As a result of disciplinary proceedings provided for in legislation (for example, policy disciplinary proceedings);
- As a consequence of the worker taking part in a strike or other industrial action;
- To satisfy a court order ordering the employer to make debt payments from an employee's wages to a third party;
- As a result of a court ordering an employee to make a payment to their employer – the employee must have agreed in writing that the employer can make the deduction;
- Where the worker has given his or her prior written agreement to the deduction or
- Required or authorised by legislation.

3.6 Where a deduction is made under an arrangement agreed to by the worker in writing, for the employer to pay a third party amounts notified by that third party, the deduction is lawful if the employer deducts the amount that has been notified.

3.7 Where a deduction is made because of a statutory requirement on the employer to deduct and pay over specified amounts to a statutory authority (for example, PAYE income tax payments to the Inland Revenue), the deduction is lawful provided that the Council deducts the amount specified by the authority. Any questions as to whether or not the authority has correctly calculated the amount due should be followed up by the employee with the authority itself.

3.8 The Written Statement of Terms and Conditions of Employment for Inverclyde Council employees allow for overpayment of wages to be deducted from employee's salaries on a contractual basis. Deductions made by Inverclyde Council enforcing this contractual entitlement do not constitute an unlawful deduction from wages.

3.9 Where an overpayment of wages has been made, the following arrangements will apply:-

- Using a template letter the employee will be advised in writing of the overpayment, the reason for it arising and that the amount will be recovered in the following way:-
 - i. Where the overpayment has been made in one pay and discovered before the next salary or wage payment, the overpayment of any salary, wage or allowance made in error to an employee will be deducted in full from the next available salary or wage payment
 - ii. Where the overpayment has been paid over more than one payment period, then the overpayment will be repaid over the same period of time by equal instalments commencing with the next available salary or wage payment.
 - iii. It is the employee's responsibility to notify their supervisor or Payroll Services immediately if they suspect that an overpayment or underpayment has occurred.
 - iv. In the event of any overpayments, advances or loans made to the employee being due to the Council on the termination of their employment, the whole sum owed will be deducted from their final pay. If their final salary payment is insufficient to allow for the whole of any such deduction, they will be required to repay the outstanding

amount due to the Council within one month of the date of the termination of their employment.

- where having been notified of the proposed repayment arrangements the employee submits that they may cause them hardship then payment terms can be reviewed by the Payroll and HR Support Team Leader. If required a meeting will be arranged at which the matter can be discussed and options explored. The employee may be represented by a trade union representative at this meeting which will also be attended by a representative of Human Resources, Organisational Development and Payroll.
- In accordance with the Council's Financial Regulations, it is the responsibility of all Chief Officers to take all reasonable steps to ensure that all monies due, which would include overpayments of salary, are collected. The Council will seek to recover overpayments in full. The only situation in which there may be a reduction in the amount recovered is when it amounts to exceptional circumstances, taking into account how the overpayment arose and the employee's circumstances. Any agreement to a reduction in the overall amount repaid requires sign off by the relevant Director, Head of Organisational Development, Policy and Communications and the Chief Financial Officer.

3.10 Where agreement cannot be reached under the arrangements detailed then the employee may submit a grievance under the Council's Grievance Procedure or, in appropriate circumstances, lodge a claim with the Employment Tribunal.

4 ROLES AND RESPONSIBILITIES

4.1 THE CHIEF EXECUTIVE

The Chief Executive has overall responsibility for the maintenance and operation of this policy.

4.2 DIRECTORS

Directors are responsible for setting the strategic direction of their Service consistent with the principles of best value.

4.3 HEADS OF SERVICE

Heads of Service should promote a culture whereby accurate information is recorded in relation to employee wage and allowance entitlement.

4.4. SERVICE MANAGERS

Service Managers should ensure employee awareness of key policies.

4.5 EMPLOYEES

Employees are expected to:

- promptly and accurately complete forms and processes relating to payments to employees;

- accurately complete forms relating to their wages, allowances and deductions in a timely manner;
- ensure they understand their salary entitlement;
- check their payslip every pay period to ensure that it appears accurate; and matches the payment received;
- raise pay anomalies with their manager and Payroll
- remain aware of their position and obligations under this policy for the resolution of overpayments

5 IMPLEMENTATION

5.1 TRAINING

Specific training on the content of this policy is not planned. However it will be incorporated into wider training on Human Resources policies as appropriate.

5.2 COMMUNICATION OF THE POLICY

The policy will be available on ICON, the intranet, as well as publically via the Council website.

6 RISK

6.1 LEGISLATIVE RISK

This policy takes into account the requirements of the Employment Rights Act 1996, and the circumstances in which deductions from salaries are legitimate.

6.2 WIDER RISKS

Without this policy there is a risk that overpayments are not identified and recovered, and therefore Best Value is not secured and there is a reputational and financial detriment to the Council.

7 EQUALITIES

7.1 CONSULTATION AND ENGAGEMENT

This policy was updated in consultation with the Trade Union Liaison Group.

7.2 EQUALITY IMPACT ASSESSMENT

This policy was assessed in relation to the Council's equality duties. All employees are entitled to use, access and be subjected to the policy and there is no evidence to indicate that this policy could affect employees differently or less favourably, on the grounds of their Protected Characteristics.

RECRUITMENT, SELECTION, REDEPLOYMENT AND RELOCATION (RSRR) POLICY

Version No 1

Produced by:

Inverclyde Council
Municipal Buildings
GREENOCK
PA15 1LX

2024

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DOCUMENT CONTROL

Document Responsibility		
Policy Title	Corporate Group	Service
		OD & HR and Communications

Change History		
Version	Date	Comments
1	August 2024	Combination of existing policies into one document. General updates. Updated template used.

Distribution
Corporate Directors, Heads of Service, Trade Unions, ICON

Policy Review		
Updating Frequency	Next Review Date	Responsible Officer
5 years	2029	Service Manager

Policy Review and Approval			
Name	Action	Date	Communication
Policy and Resources Committee	Approved	17/09/2024	Website, ICON, Trade Unions, ECMT

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1 INTRODUCTION

1.1 EXECUTIVE SUMMARY

This policy outlines Inverclyde Council's procedures for recruitment, selection, redeployment, and relocation, ensuring alignment with best practices and legislative requirements. It aims to provide a fair, transparent, and inclusive framework to support the recruitment and retention of a diverse and talented workforce

1.2 BACKGROUND

The combined policy integrates recruitment, selection, redeployment, and relocation procedures to streamline processes and enhance operational efficiency. It reflects best practices from other councils and adheres to guidelines from the Scottish Social Services Council (SSSC) and Advisory, Conciliation and Arbitration Service (ACAS).

The Recruitment, Selection, Redeployment and Relocation (RSRR) Policy is designed to ensure the Council attracts, selects, and retains the best candidates in a fair, transparent, and consistent manner, in line with best practices and legislative requirements. This policy aims to remove potential barriers to accessing services and support that may exist for some people, particularly where they may have a history of having experienced trauma

This policy sits alongside the Recruitment, Selection, Redeployment and Relocation Procedures which provides detail of the how employees should implement processes in line with the policy.

1.3 STRATEGIC CONTEXT

Aligning with the Council's vision and values, this policy supports strategic objectives related to workforce management and organisational development. It supports the Council Plan 2023/28 outcomes of:

- More people will be in employment, with fair pay and conditions
- High quality and innovative services are provided, giving value for money, and
- Our employees are supported and developed

1.4 LINKS TO LEGISLATION

This policy considers relevant legislation, including the Equality Act 2010, Employment Rights Act, and the Working Time Regulations, to ensure comprehensive compliance. It promotes fair talent management through adherence to the ACAS Code of Practice, ensuring that all recruitment, selection, redeployment, and relocation activities are conducted fairly and transparently.

Inverclyde Council is an equal opportunities employer. The Council is committed to promoting equality and diversity throughout the recruitment and selection process. All activities will comply with the Equality Act 2010, ensuring no candidate is discriminated against based on protected characteristics. This policy should be considered in conjunction with Inverclyde Council's Equality and Diversity Policy.

The Council recognises its social, moral and statutory duty to employ people with disabilities and will do all that is practicable to meet this responsibility. As a Disability

Confident Employer, the Council guarantees interviews for disabled applicants who meet the essential criteria for a role, ensuring fair opportunities for candidates with disabilities.

The Council supports the Armed Forces Covenant and ensures fair treatment of current and former members of the armed forces and their families during the recruitment process. Council managers will give positive consideration to shortlisting veterans for posts where they meet the essential criteria of the post. In addition the Council will publicise through recruitment materials its support for reservists, highlighting that applications from reservists are particularly welcome.

1.5 AIM

The aim is to establish a fair, transparent, and inclusive policy framework that supports the recruitment, retention, redeployment, and relocation of a diverse and talented workforce

1.6 LINKS TO CORPORATE GROUPS

This policy is linked to the work of the Corporate Management Team and the Corporate Quality Improvement Group, ensuring alignment with broader organisational policies and objectives

2 SCOPE

This policy applies to all recruitment, selection, redeployment, and relocation activities within Inverclyde Council. However, it is acknowledged that the terms and conditions specific to the teaching profession may necessitate amendments to address these differences appropriately.

3 POLICY CONTENT

3.1 Recruitment and Selection

3.1.1. Application and Scope

This policy applies equally to all employees and applicants for posts, whether permanent, fixed term, or temporary, irrespective of grade, or profession. While the principles of this policy apply to the recruitment and selection of the Chief Executive and Chief Officers there are differences in procedures, outlined in the appendix to the procedures document.

The policy also applies to the recruitment to supply teaching or casual/sessional work registers. A separate protocol is available which covers the circumstances for engagement of casual/sessional workers.

All existing Council employees, modern apprentices, supply and casual (sessional) workers are entitled to apply for internal vacancies. This includes agency workers who have been on the same assignment for a period of more than 12 weeks.

Organisational Development, Human Resources & Communications reserve the right to withhold or withdraw any vacancy for redeployment, at any stage of the recruitment and selection process including up to where an appointment has been recommended, as per the Council's Redeployment Policy.

Unless there are exceptional circumstances, existing employees who are employed by the Council on a permanent basis and who are appointed to a temporary or fixed term post within the Council should always be given the right of return to their substantive post. However, this right of return is not an automatic entitlement and employees must always discuss this with their current line manager before accepting a move to another post. In exceptional circumstances where a manager believes they are unable to give an employee the right of return to their original post, approval must be sought from the Head of Organisational Development, Human Resources & Communications. The right of return would be to a suitable alternative on the same grade, with this included in the new contract. This must be discussed by the manager with their employee before accepting a move to another position.

Training is essential for all managers prior to participating in recruitment panels – at any stage, with specific training for panel chairs. This ensures adherence to fair and consistent recruitment practices and aligns with best practice across other organisations.

3.1.2. Jointly Funded Posts

There may at times be posts which are jointly funded by a partnership organisation. For this reason, the recruitment & selection process may differ slightly for this type of vacancy in relation to both new and backfilled posts.

The ownership of the recruitment & selection process for this type of post may rest with either of the parties jointly responsible for the post. Applicants will therefore be subject to the recruitment & selection policy & procedures of the organisation responsible for filling the vacancy.

3.1.3. Recruitment Process

Anyone involved in the recruitment process who has a personal relationship with a candidate, or may be able to exercise favouritism, should remove themselves from the process. Where there is any doubt, they should take no part in the shortlisting and interview process. For example where:

- they are in a close personal relationship with a candidate e.g., husband/wife/spouse, civil partnership, co-habitant.
- they are a relative of a candidate e.g.- daughter/son, sibling, parent, aunt/uncle, cousin etc. including in-laws and step relatives.
- they are a close friend of a candidate. e.g. - someone known personally and on a social basis outside of work.
- they are living in the same household as a candidate. e.g. - lodger, step-sibling etc.
- they have previously had a personal relationship with a candidate e.g. – ex-wife/husband/partner etc.

This list is not exhaustive. Where there is a potential perception of a conflict of interest discretion should be used and advice sought from HR.

Where practicable, anyone directly involved in the appointment process who is also listed as a referee for any candidate they must either decline from acting as a referee or take no further part in the interview process.

Recruiting managers are expected to check the central redeployment register to identify any potential matches to their vacancy prior to commencing with the recruitment process.

The vacancy management processes should be followed in order to receive the correct approvals before a post is advertised. Advertising will then be coordinated by HR.

Shortlisting for interview will be based on the essential and desirable criteria for the post as set out in the person specification ensuring that the process is free from discrimination. Candidates who have indicated on their application that they have a disability or are a veteran, and who meet the essential criteria for the post, will be shortlisted for interview in line with our Disability Confident Initiative and Armed Forces Covenant.

3.1.4. Interview Panels

In respect of the Council's Equality & Diversity Policy, every effort should be made to have interview panels are balanced with at least one male and one female member where possible.

In appointment panels, for which recruitment is delegated to officers, it is the role of the Chairperson to ensure that appointments are run in accordance with the recruitment procedure and all attempts are made to achieve a gender balance on interview panels.

Where the Recruitment Panel consists of a panel of Elected Members and/or parent councils, such appointment panels should strive for gender balance and both male and female recruiters should be on each Panel or where that is not practicable, an HR representative/other officer of appropriate gender should be in attendance to advise the Panel.

There may be occasions where an Elected Member panel composition is fixed based on the principle of political balance and a gender mix may not be possible.

All interviews must be conducted in a fair and consistent manner and must be structured and systematic. The interview process and format is outlined in the Recruitment, Selection, Redeployment and Relocation Procedures

3.1.5. Canvassing of Elected Members or Employees

The canvassing of Elected Members or employees of the Council, directly or indirectly, in connection with any appointment being made by the Council, shall disqualify the candidate.

3.1.6. Positive Action

The Council follows the principles of 'positive action' as outlined in the Equality Act 2010. This can be applied during the recruitment and selection process when a tie breaker situation arises between two (or more) candidates of equal merit. Positive action allows an employer to make an appointment based on a particular protected characteristic possessed by a candidate.

This process must only be used in consultation with the Head of Organisational Development, Human Resources & Communications.

3.1.7. Politically Restricted Posts

Some posts in the Council are politically restricted by virtue of the Local Government & Housing Act 1989 and the Local Government Officers (Political Restrictions) Regulations 1990.

Where a political restriction applies this means that the applicant will not be permitted to be involved in, or may be restricted, in political interests or associations. If the post being applied for is politically restricted this will be shown on the job advert. If you are unsure whether this applies to you or a post you wish to apply for, please contact Organisational Development, Human Resources & Communications.

3.1.8. Safer Recruitment Checks

The Council will carry out employment checks to determine the suitability of candidates for a post, for example:

- Confirmation of Right to Work in the UK.
- PVG Enhanced/Standard/Basic or post April 2026 Level 1 and Level 2 Disclosures.
- Criminal Conviction Declaration, if the post is not regulated work with a vulnerable group.
- SSSC, GTCS registration
- Pre-Employment Health Checks.
- References - two written references (one for internal candidates if moving from one Service area to another) will be requested and one should be from the current line manager. Internal candidates with an internal referee will only need a verbal reference. Teachers require one reference from their previous head teacher. It must be completed on the relevant head teacher report form which is sent to the successful candidate by HR Support. Teachers that are returning to teaching after some time will require two references as per their work history.
- Confirmation of qualifications required to meet the essential criteria on the person specification - relevant qualifications will be viewed at interview.

Inverclyde Council is committed to ensure information gathered is used fairly. All safer recruitment checks must be satisfied otherwise an offer of employment may be withdrawn.

Recruiting managers should follow the steps in the Recruitment, Selection, Redeployment and Relocation Procedures to:

1. notify candidates whether they have been unsuccessful or are the preferred candidate,
2. provide feedback,
3. provide information to HR on the interview outcome, and
4. liaise with the preferred candidate and HR to confirm their start date.

All safer recruitment checks must be satisfied otherwise an offer of employment may be withdrawn.

Although safe recruitment checks will be carried out prior to appointment there may be exceptional occasions where an offer of employment is offered subject to satisfactory checks in agreement with HR.

Upon starting employment, the employee will undertake the corporate induction in addition to service or role specific induction.

3.1.9 Reengagement

The Council will not normally re-engage an employee who has benefited from an early departure package in a similar role or as a consultant within 12 months of leaving. It is acknowledged, however, that employees may apply for other advertised vacancies during this time. This does not apply in respect of sessional/supply work.

More widely in the public sector the decision to re-engage officers immediately after they take redundancy or early retirement has been subject to criticism by Audit Scotland and managers need to be aware of this and the public perception of the use of public funds in making decisions on re-employment.

3.1.10 Complaints

The Council will endeavor to respond to any concerns the employee or applicant has concerning any aspect of the recruitment and selection process. This is outlined in the Recruitment, Selection, Redeployment and Relocation Procedure.

3.1.11 Teacher Specific Recruitment Information

Inverclyde Council acknowledges the unique procedures and job specifications applicable to the recruitment and selection of teaching staff. These processes are guided by the Local Negotiating Committee for Teachers (LNCT) agreements, which provide specific frameworks for appointments and job descriptions within the teaching profession.

The following LNCT agreements should be referenced for detailed guidance on recruitment and job specifications for teaching staff:

- LNCT 04-2023: Employment of Teachers on Temporary Contracts
- LNCT 05-2024: Appointment of Teachers on Permanent Contracts
- LNCT 10-2024: Temporary Promoted Posts in Schools
- LNCT 11: Job Description – PT Primary
- LNCT 12: Job Description – PT Secondary
- LNCT 13: Job Description – DHT Primary

These documents outline the agreed procedures for appointments, job specifications, and other relevant aspects of teaching positions. They are essential for ensuring compliance with the specific requirements of the teaching sector.

To access these documents please visit the Scottish Negotiating Committee for Teacher (SNCT) website at <https://www.snct.org.uk/lnctAgreements.php>. Select "Inverclyde" in the filter and then for the relevant LNCT numbers listed above.

3.2 Redeployment

3.2.1 Reasons for Redeployment

Redeployment within the Council may be necessary as a result of one of the following:

- a. Capability
 - a. Medical grounds
 - b. Performance Issues

- c. Where redeployment is the outcome of a formal action.
- b. Redundancy
- c. Efficiency of the Service (where there is no redundancy situation but there would be efficiency improvements resulting from the retirement).
- d. Displacement due to budget savings, restructures, job redesign
- e. Some Other Substantial Reason (SOSR)
 - i. For example it is recognised that personal relationships with colleagues can deteriorate or that circumstances outwith the work environment can adversely affect an employee's ability to function in the job.
 - ii. To be included on the Redeployment Register for SOSR a report into the circumstances would be required, e.g. a recommendation through the Council's Dignity & Respect at Work Processes. This would also need to be approved by the Head of Organisational Development, Policy & Communications and the relevant Head of Service.

3.2.2 Staff covered by arrangements

This covers all permanent employees of the Council and temporary employees as detailed below.

For temporary employees (as defined in the Temporary Employee Protocol), whose employment is due to be terminated, redeployment to a suitable alternative position or vacancy will be sought in accordance with the undernoted arrangements. Temporary teachers will be dealt with in terms of the relevant Local Negotiating Committee Teachers (LNCT) and Scottish Negotiating Committee Teachers (SNCT) provisions. There can be no guarantee that a suitable alternative position will be found and, if not, this will result in the termination of employment in the normal manner, and with notice in accordance with contractual entitlement.

Where the employee has up to 2 years service the Redeployment Register will be checked, at employee or manager's request for up to a 6 week period, to be agreed between Head of Service and HR, but ending no later than the contractual notice end date. Management must advise the employee, in accordance with the Temporary Employee Protocol, that the end of a fixed term /temporary appointment is being considered and the reasons for this. The employee must be invited to a meeting with management to discuss the circumstances, to establish whether the contract might be extended or whether there is any alternative work the employee could do. If no suitable alternative vacancy found then the employee's dismissal shall take effect – if suitable redeployment found and agreed to by the employee then existing contract will be terminated by mutual consent, in writing, and subsequent offer of employment in new role offered at rate for the post (no salary protection consideration).

Where an employee has more than 2 years service the Redeployment Register will be checked at employee or manager's request for up to a 12 week period, to be agreed between Head of Service and HR, but ending no later than the contractual notice end date. Management must advise the employee, in accordance with the Temporary Employee Protocol, that the end of a fixed term /temporary appointment is being considered and the reasons for this. The employee must be invited to a meeting with management to discuss the circumstances, to establish whether the contract might be extended or whether there is any alternative work the employee could do. If no suitable alternative vacancy found then the employee's dismissal shall take effect and the contract terminated with redundancy payment, in redundancy situation – if suitable redeployment found and agreed to by the employee then existing contract will be terminated by mutual consent, in writing, and subsequent offer of employment in new role offered at rate for the post (no salary protection consideration).

Notwithstanding the above, the Council may exercise discretion in exceptional circumstances (Head of OD, Policy & Communications in consultation with Chief Financial Officer & relevant Head of Service) e.g where any employee with over 2 year's temporary service is to be displaced and face a "redundancy" situation and where an alternative post is sourced but at a substantially reduced grade. In such cases employees may be eligible for salary protection up to a maximum of 1 year.

Teachers will only be covered where the following are not applicable: LNCT 15- 'Future Provision - School Accommodation Staffing Policy', 'Scottish Schools (Parental Involvement) Act 2006' and 'Parental Involvement in Headteacher and Deputy Headteacher Appointments (Scotland) Regulations 2007'.

The Scottish Teachers' Superannuation Scheme (SPPA) circular 09/2012 referring to redeployment on the grounds of ill health for Teachers may apply.

Redeployment is a reasonable adjustment under the Equality Act 2010. If there are no reasonable adjustments that would enable a disabled employee to do their current job, employers must look for suitable alternative vacancies to which the employee can be transferred.

3.2.3. Terms of Redeployment

Redeployment will be looked for with reference to the following terms and conditions, subject to provisions in respect of Temporary Employees:

- a) Consideration will only be given to an employee whose circumstances are as detailed above.
- b) Organisational Development, Policy & Communications will keep a central Redeployment Register. Consideration will be given to temporarily placing individuals in temporary posts in the interest of utilising an employee's skills, improving the skills base of an employee, and as a consequence positively affecting absence levels. Employees receiving retraining of some description not with their own service will, however, continue to be paid by their own service.

- c) Where an employee is included in the Redeployment Register on health grounds a search for a suitable alternative role will commence within their current service, then directorate.
- d) A suitable alternative post has to be a substantive, temporary or fixed term vacancy - established post i.e. a post is not created to accommodate an individual.
- e) Pregnant Employees who have commenced their maternity/family leave; or Shared Parental Leave/Adoption Leave who are selected for redundancy, special provisions apply to them. They must be given first refusal on any available suitable alternative.
- f) A suitable alternative employment opportunity may be at a lower, or similar salary level. Where an employee can demonstrate to management that they meet all essential criteria of a vacant higher salaried post then this may be considered. The job description and person specification for the vacancy will be the factors which determine if there is the possibility of a match. The associated remuneration package is not a determining factor, although any salary differential would have to be "reasonable" as determined by the Head of Organisational Development, Policy & Communications.
- g) Offers of redeployment will be made at the salary rate attached to the post. Protection in terms of conditions of service and 1 year's salary protection will apply where redeployment occurs due to reasons of restructure, redundancy or for health reasons when recommended, by the Councils Occupational Health Adviser, as essential.
- h) The redeployment will be subject to consultation with the relevant Head of Service. Should a vacancy be considered appropriate then the employee to be redeployed may be considered without recourse to the advertising process or on a restricted basis (i.e. when limiting leeting to a retriected pool and not advertising competitively, with other employees on the Redeployment Register) and slotted in where they meet the essential criteria for the post. Individuals alternatively may be interviewed as part of the normal recruitment and selection process, depending on the circumstances of the post and subject to agreement by the Head of Organisational Development, Policy & Communications and relevant Head of Service.
- i) The authorised signatory of a 'Request to Advertise' form should consider all requests to advertise a post as potential redeployment opportunities, and, therefore, ensure that the central Redeployment Register is considered prior to the authorisation to advertise a vacancy. A suitable candidate for the vacancy found on the Redeployment Register may circumvent the traditional recruitment and selection process at any stage prior to having made an offer of employment to a candidate.
- j) In determining the suitability of any offer of alternative employment, cognisance will be taken by HR and the appointing Head of Service of the following factors: pay; status; location; working environment; hours of work; job description; person specification.
- k) Any offer of alternative employment will be subject to the Council's safer recruitment practices.
- l) The redeployment will be subject to a four week trial period during which time the employee and the new service will be able to assess the suitability of the transferee.

In the event of either party considering the alternative as unsuitable the reason offered should be captured in writing and reported to the Head of Organisational Development, Policy & Communications. Where the reason is agreed by the Head of Organisational Development, Policy & Communications as a justifiable one, the employee will return to the Redeployment Register and remain attached to their substantive service.

- m) An employee who rejects the offer of redeployment, which is considered a reasonable match by the Head of Organisational Development, Policy & Communications, without good reason may result in their dismissal taking effect subsequent to the employee having, in the view of the Head of Organisational Development, Policy & Communications, unreasonably refused the offer of a suitable alternative post. Employees will be given 2 working days to consider an offer. The Head of Organisational Development, Policy & Communications has discretion to extend the two day period for acceptance in appropriate cases.
- n) When determining whether a suitable offer of redeployment has been made, a variety of factors require to be considered including rate of pay, duties of the job, location, any family friendly issues. The deciding factor will be where an employee has no justifiable reason for refusing a job that the employer deems a suitable alternative offer of employment.
- o) Where possible, the period on the Redeployment Register will be determined at the outset. This will be for up to 6 months (inclusive of notice period). This timescale may be extended in exceptional circumstances for an additional 6 months (for example, due to serious health issues) by the Head of Organisational Development, Policy & Communications and relevant Head of Service. In determining the period for redeployment, consideration will be given to a number of factors, eg. the remaining sickness allowance of an employee, the expiry date of the existing contract of employment, how long a service can maintain an employee on redeployment who may be on restricted duties or work placement.
- p) Where staff are displaced as a result of a service review /budget saving the custom & practice for employees is a maximum of 12 weeks and will be agreed by Head of Service and HR, in consultation with Trade Union. Budgetary and financial constraints will also be a key determining factor when deciding on the period for redeployment. For example, when the Council carries out its annual budget review, or where redundancies are necessary, redeployment periods will be determined based on the financial circumstances of the Council at that time.
- q) Financial liability will remain with employing service up until the beginning of the trial after which it is the new service. If the trial does not work out liability returns to the employing service. On occasions the new service can agree to contribute towards the salary protection costs.
- r) If no suitable alternative employment is found, then the employee's dismissal will take effect and the contract of employment will be terminated at the end of the redeployment and notice period.
- s) Restructure - In circumstances in which post(s) have been removed from the organisational structure as a result of organisational change the employee(s) in the

post(s) find themselves in a displacement situation. Where more than one employee is affected by an organisational change and all options under the voluntary redeployment and voluntary severance routes are entirely exhausted, the Council will identify which employee is displaced by applying the Displacement Selection Criteria Matrix. Details are contained in the Voluntary Severance Policy, and the employee will be placed on the Redeployment Register.

- t) The Council will attempt to avoid compulsory redundancy where practicable but where an employee(s) are displaced from their job(s), have gone through the redeployment process without success and do not wish to opt for voluntary severance, then a report will be prepared for the Policy and Resources Committee to advise of the position and to seek authority to make a displaced employee or employees compulsory redundant. Any severance payment made will be the same that is offered under voluntary severance. All appropriate notice periods will apply.
- u) Retraining will be available within reasonable boundaries, that is to say with reference to previous experience, qualifications already gained, time and cost constraints. This process should be considered immediately and is the responsibility of senior management within the transferee service to instigate.

3.2.4 Other Conditions

Where an employee, has been redeployed because of a service restructure/ redundancy situation the following additional conditions will apply:

- (i) Where the alteration results in a move to a post which has earnings lower than the employee's previous salary then a Certificate of Material Change will be issued. This certificate has the effect of protecting pension rights for a period of ten years, by recognising the employee's most advantageous salary arrangements over the prescribed period.
- (ii) Where the alteration results in a move to a post which has earnings lower than the employee's previous salary then pay protection on a cash conserved basis will apply for up to one year.

The Certificate of Material Change detailed in paragraph above will also be applicable to employees who have been redeployed due to the ill health criteria, as outlined by Strathclyde Pension Fund Scheme and whose earnings are now lower than their previous salary.

3.2.5 Right of Appeal

Where a dismissal is due to the expiry or termination of a temporary/fixed term contract, then the right of appeal is one internal stage and to a Corporate Director (or nominated senior officer not previously involved). For all other dismissals, the right of appeal will be to the Human Resources Appeal Board or HR Appeals Panel (Officers), for absence related dismissals.

An employee who is of the opinion that their circumstances have been considered unfavourably can raise a grievance using the Council's Grievance Procedure, subject to the terms of that procedure.

3.3 Relocation

3.1.1 General Conditions

The Council wishes to encourage its employees to live within the Inverclyde area to promote population and economic growth. Relocation expenses will therefore only be applicable where an employee moves into the Inverclyde area.

It is expected that the move will take place within 1 year of taking up employment.

In considering claims, the following criteria will be applied:

- Considering an employee's normal means of travel, whether it is considered unreasonable or impractical for the employee to commute from their present home to their new place of employment.
- Any expenses must have been necessarily and actually incurred and will be to a maximum level as specified in the procedures
- Expenses will be recovered on a proportionate basis from the employee should they fail to complete 2 years service from the date of the move. A declaration to this effect will require to be signed by participants. Any repayment due must be made **before the employee leaves the service of the Council.**

Enquiries as to whether the allowances may be payable should be raised with the Head of Organisational Development, Human Resources, Policy and Communications (OD, HR, Policy & Communications) prior to actual expenditure being incurred.

4 ROLES AND RESPONSIBILITIES

4.1 THE CHIEF EXECUTIVE

The Chief Executive has overall responsibility for the maintenance and operation of this policy.

4.2 DIRECTORS

Directors are responsible for setting the strategic direction of their Service consistent with the principles of the policy.

4.3 HEADS OF SERVICE

Heads of Service should promote a culture whereby accurate information is recorded in relation to recruitment, selection, redeployment and relocation, procedures are followed and appropriate supports put in place.

4.4. SERVICE MANAGERS

Service Managers should ensure employee awareness of key policies.

4.5 EMPLOYEES

Officers are expected to:

- accurately complete forms and processes relating to recruitment, selection, redeployment and relocation in a timely manner and
- ensure they understand their role in the policy implementation.

5 IMPLEMENTATION

5.1 TRAINING

Training on the content of this policy is provided to employees.

5.2 COMMUNICATION OF THE POLICY

The policy will be available on ICON, the intranet, as well as publically via the Council website.

6 RISK

6.1 LEGISLATIVE RISK

This policy takes into account the requirements of the Equality Act 2010, Employment Rights Act, and the Working Time Regulations.

6.2 WIDER RISKS

Without this policy there is a risk that fair and transparent processes are not followed with consequential reputational and financial detriment to the Council. These policies also aim to secure the best candidates for roles and so minimise workforce capacity risks.

7 EQUALITIES

7.1 CONSULTATION AND ENGAGEMENT

This policy was updated in consultation with the Trade Union Liaison Group.

7.2 EQUALITY IMPACT ASSESSMENT

This policy was assessed in relation to the Council's equality duties. All employees are entitled to use, access and be subjected to the policy and there is no evidence to indicate that this policy could affect employees differently or less favourably, on the grounds of their Protected Characteristics.

SUPPORTING EMPLOYEE ATTENDANCE POLICY

Version No 6

Produced by:

Inverclyde Council
Municipal Buildings
GREENOCK
PA15 1LX

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This document can be made available in other languages, large print, and audio format upon request.

DOCUMENT CONTROL

Document Responsibility		
Policy Title	Corporate Group	Service
Supporting Employee Attendance		OD & HR and Communications

Change History		
Version	Date	Comments
1	March 2008	
2	Nov 2011	Updated to reflect Policy and Strategy outcomes on 15 th November 2011
3	April 2014	Updated to reflect change in absence measures to days lost per employee
4	March 2017	Updated to reflect Policy & Resources outcomes on 20 th June 2017
5	October 2017	Updated to include changes to Displacement Selection Criteria Matrix
6	July 2024	New policy template. Additional information on employee and manager responsibilities.

Distribution
Corporate Directors, Heads of Service, Trade Unions, ECMT

Policy Review		
Updating Frequency	Next Review Date	Responsible Officer
5 years	2029	Service Manager (HR Operations and Health and Safety)

Policy Review and Approval			
Name	Action	Date	Communication
Policy and Resources Committee	Approved	17/09/2024	Website, ICON, Trade Unions, ECMT

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1 INTRODUCTION

1.1 EXECUTIVE SUMMARY

The purpose of this policy is to ensure that all absences from work are appropriately managed and those who are absent are supported accordingly. It also promotes and encourages employee wellbeing at work.

1.2 BACKGROUND

The Council believes that employees are its most valuable resource and recognises the important contribution made by regular attendance at work in maintaining high levels of service delivery.

Sickness absence is one of the Council's Statutory and Key Performance Indicators. Information in this area is recorded and provided to the Local Government Benchmarking Framework.

Application of this policy and associated procedures ensures a fair, consistent and compassionate approach to supporting employee attendance, whilst ensuring compliance with all associated legislation.

1.3 STRATEGIC CONTEXT

This policy supports delivery on the Council Plan 2023/28 in relation to the following outcomes – “high quality and innovative services are provided, giving value for money” and “employees are supported and developed”.

1.4 LINKS TO LEGISLATION

Under this policy, the Council will ensure that everyone receives equal consideration and that the needs of all are taken into account as per The Equality Act 2010, irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, and sexual orientation.

The Equality Act 2010 defines disability as a physical or mental impairment that has a substantial and long term adverse effect on someone's ability to carry out normal daily activities. The definition includes people with hidden disabilities (such as diabetes, epilepsy, and mental health issues). In accordance with the Act, the Council will consider and make reasonable adjustments to enable a person with a disability to work or continue to work.

This policy also takes into account the requirements of the Employment Rights Act (1996), Health and Safety at Work Act (1974) and The Employment Rights Act (1996).

1.5 AIM

The aims of this policy are:

- To ensure that all services are delivered efficiently and effectively. As an employer, Inverclyde Council has a duty to respond to actual and potential problems arising from absence levels particularly in relation to service delivery and staff wellbeing

- To ensure that Inverclyde Council recognises its responsibility for the health, safety and wellbeing of its employees and, in conjunction with other policies of the Council, aims to place emphasis on the comprehensive range of services and agencies established to provide assistance to employees
- To ensure that all employees are treated fairly and consistently, and are encouraged to seek help with any problems they might have which are resulting in non-attendance at work
- To ensure that managers are aware of their responsibilities under this policy and associated procedures
- To ensure that employees are aware of the terms of this policy and associated procedures and of their responsibilities to comply with them.

1.6 LINKS TO CORPORATE GROUPS

This policy links to the Trade Union Liaison Group.

2 SCOPE

This policy and associated procedures are applicable to all Council employees. That is, to those employed under the:

- Scottish Joint Council for Local Government Employees;
- Scottish Negotiating Committee for Teachers (SNCT);
- Scheme for Salaries and Conditions of Service laid down by the Joint Negotiating Committee (JNC) for Chief Officials of Local Authorities (Scotland).

3 POLICY CONTENT

3.1 PRINCIPLES

The following principles should be followed

- Managers will adopt a supportive and consistent approach to supporting employee attendance, taking into account individual circumstances
- Attendance issues will be dealt with promptly, confidentially, consistently and effectively, demonstrating clear outcomes at all stages
- All appropriate efforts will be made to support and assist an employee absent due to sickness and steps will be taken to help facilitate their return to work at the earliest opportunity
- Each employee will understand that regular attendance at work is of vital importance and that supporting employee attendance procedures must be adhered to

- Employees may seek advice/support from a trade union representative at any stage of the Supporting Employee Attendance procedure, and may be accompanied by a colleague or trade union representative at absence review and capability meetings
- Advice and guidance will be provided by the Council's Occupational Health provider where deemed appropriate.

3.2 NON-MEDICAL ABSENCE

The Council supports special leave, paid or unpaid, for necessary absences not caused by or categorised as sickness. Matters such as single day family or home emergencies, time off for close friend or relative funerals may be awarded on a compassionate basis and need not be recorded as sickness absence. Conditions surrounding these matters can be found in the supporting procedures, Family Friendly policy and the Conditions of Service document.

Short term periods of authorised leave may also be granted to care for ill relatives to allow employees to adjust to their personal circumstances and make other arrangements. Conditions surrounding these matters can be found in the supporting procedures document.

3.3 CATEGORISATION OF ABSENCE

Short Term Absence

Short term absence is defined as a period of absence lasting less than 4 weeks. It can take the form of minor one-off absences or minor absences that occur more frequently. The focus for managing short term absence is on reducing the number of incidences.

Long Term Absence

Long Term absence is defined as a period of absence lasting longer than 4 weeks. The focus for managing long term absence is on reducing the length of the absence period and supporting employee wellbeing.

Guidelines for managing both long and short term absence in practice are outlined in the Supporting Employee Attendance Procedures.

3.4 ATTENDANCE TARGETS AND TRIGGER POINTS

Attendance Targets

The Council has an average non-attendance target, adjusted periodically, which all employees are expected to satisfy and to be aware of. This target is clearly communicated at all times. It is available on ICON, through managers, and at Return to Work meetings. Details of Return to Work meetings can be found under section 5 of the Supporting Employee Attendance Procedures.

As at August 2024 the attendance target level is 9 days Full Time Equivalent (FTE) – pro rata for part time staff. That is any absence level around or above this figure must be fully reviewed and any underlying matters addressed. 9 days FTE is the maximum trigger for managers, all attendance issues should be addressed prior to reaching 9 days.

Trigger Points for Managers

Trigger points are a method of ensuring that absences are fully supported and reviewed. This is both to ensure effective management of attendance, and to ensure the Council fulfils its Health & Safety obligations as a reasonable employer

There are 5 distinct categories of trigger points listed below. These are designed to allow early intervention and support and to minimise the duration of any absence where possible and within reason;

- Mental Ill Health
- Musculoskeletal
- 4 separate episodes of absence or more in a 12 month period
- 6 days of absence or more in a 12 month period
- 4 weeks of absence or more

Trigger points are designed as a tool to raise managers' awareness, ensure discussion and early intervention with employees in relation to potential absence concerns which may require support and in some cases further action. The 6 day target is an indicator that an employee's absence is approaching the Council's overall 9 day target and may require further support/action and not necessarily that an Occupational Health referral is required or a letter of concern issued. Further guidance is provided within the Supporting Employee Attendance Procedures document.

3.5 FIT NOTES AND REASONABLE ADJUSTMENTS

The Council will consider advice given by an employee's GP on the 'Statement of Fitness to Work'. Should the GP advise that an employee 'may be fit for work' all reasonable adjustments will be explored in conjunction with advice from Occupational Health.

3.6 OCCUPATIONAL HEALTH APPOINTMENTS AND REVIEWS

It is a condition of employment that an employee may be required, where it is considered necessary or advisable, to attend an appointment with the Council's Occupational Health Advisor.

Employees are expected to comply with this condition of employment particularly when they are being paid occupational sickness allowance.

The Council will ensure consideration of all information presented to them and professional judgement, service needs and risk assessment will be applied when making any decisions in relation to information presented in medical reports.

3.7 ABSENCE REVIEW AND RETURN TO WORK MEETINGS

Supervisors/managers should meet with employees who are absent from work regularly to gather facts and discuss their absence from work. Employees are obliged to attend return to work and absence review meetings in accordance with the Supporting Employee Attendance procedures and relevant conditions of service.

3.8 TERMINATION OF EMPLOYMENT

Dismissal on the grounds of incapability through ill-health may be considered where all other reasonable options, including support mechanisms, reasonable job adjustments, redeployment, retraining and, where appropriate, ill-health retirement have been exhausted. The Council may consider terminating employment on the grounds of the employee being unfit to perform the duties of the post due to ill-health or absence. Further guidance is provided within the Supporting Employee Attendance Procedures. Any appeal against dismissal on the grounds of incapability through ill-health will be heard by a Human Resources Appeal Panel (Officers).

3.9 CONFIDENTIALITY

All matters relating to employee attendance at work are confidential. The Council will ensure confidentiality of information through all relevant parties.

3.10 CONTRACT OF EMPLOYMENT

The requirement for all employees to maintain a satisfactory level of attendance is included in an employee's Contract of Employment and Conditions of Service.

3.11 REDUNDANCY

When the Displacement Selection Criteria Matrix is being applied in relation to the *Voluntary Severance Policy* the last 3 years absence history will be taken into consideration.

3.12 ACCESS TO OCCUPATIONAL SICK PAY

Details of Sick Pay schemes are available within the relevant Conditions of Service. These can be accessed on ICON or on request from Organisational Development and Human Resources. To receive Occupational Sick Pay employees are required to follow certain notification and certification procedures as detailed within each respective Conditions of Service and in accordance with the Supporting Employee Attendance Procedures. These requirements are clearly defined and managers and employees are equally responsible for ensuring that they are adhered to.

Failure to comply with reporting procedures for sickness absences will normally exclude an employee from accessing occupational sick pay, and the absence from work may be deemed as unauthorised therefore warranting consideration under the Disciplinary Procedures.

3.13 DISCIPLINARY ACTION

In accordance with section 10.2.2 of the National Agreement on Pay and Conditions of Service (*the 'Red Book'*) sick pay may be suspended if an employee abuses the sickness scheme. Should disciplinary action ultimately lead to termination of employment on the grounds of a poor attendance record, appeal hearings will be heard by a Human Resources Appeal Panel (Officers).

3.14 ACCIDENTS AND CRIMES OF VIOLENCE AT WORK

Details of all accidents and incidents of violence at work must be entered in the Accident Book and an Internal Accident/Incident Report Form completed (available on ICON). Please refer to the Council's Violence and Lone Working Policy. When confirmed as an incident under this policy the absence will not be reckoned against the Council's absence target. This

also applies to teachers and the recording of absence due to workplace violence (SNCT 6.20 - 6.25).

3.15 CONTACT WITH INFECTIOUS DISEASE

Any employee who in accordance with the National Insurance Acts is prevented from attending their place of employment because of contact with notifiable infectious diseases shall advise his or her supervisor immediately and shall be entitled to full pay during the absence, subject to the deduction from that full pay of any benefit payable under the National Insurance Acts. A period of absence on this account will be classed as medical suspension, shall not be reckoned against the employee's entitlement to sickness allowance nor will it be recognised against the Council's absence target.

3.16 PREGNANCY RELATED ILLNESS

If an illness is connected with pregnancy then the period of maternity leave will automatically begin if the illness commences or continues into the four week period before the expected week of confinement. Please refer to the Council's Family Friendly Policy for further details. Where the absence is unconnected to the pregnancy absence management procedures will apply.

4 ROLES AND RESPONSIBILITIES

4.1 THE CHIEF EXECUTIVE

The Chief Executive has overall responsibility for the maintenance and operation of this policy.

4.2 DIRECTORS

Directors are responsible for setting the strategic direction of their Service consistent with the principles of the policy.

4.3 HEADS OF SERVICE

Heads of Service should promote a culture whereby accurate information is recorded in relation to employee attendance, procedures are followed and appropriate supports put in place.

4.4. SERVICE MANAGERS

Service Managers should ensure employee awareness of key policies.

4.5 OFFICERS

The manager should:

- Support the health, safety, and wellbeing of employees, recognising their duty of care
- Take action to identify and reduce, where possible, underlying causes of sickness absence with a view to preventing ill health

- Ensure appropriate early intervention where ill health arises to prevent the escalation of healthcare needs e.g. temporary reasonable adjustments to hours, workload, referral to physiotherapy/counselling.
- Seek, consider, and implement Occupational Health advice where appropriate to support employee attendance
- Update and record absences in a timely manner across relevant systems.

Employees are required to familiarise themselves with the terms of the policy and procedures during the course of their employment and to ensure that they comply with them.

The employee should:

- Recognise personal responsibility to take reasonable care of their own health and wellbeing
- They must also make sure they are fit to work without detriment to themselves or others e.g. taking appropriate action where they have an infectious disease
- Actively participate in the process to avoid delays
- Communicate at the earliest opportunity any underlying health issues or other contributing factors which may impact their attendance at work

All supervisors/managers are responsible for applying the policy and procedures ensuring consistency and fairness.

Trade Union representatives will work together with managers and employees to promote a positive work environment to ensure the policy and procedures support a culture of high levels of attendance at work.

Organisational Development and Human Resources will provide advice to support managers and employees in the application of this policy and associated procedures.

5 IMPLEMENTATION

5.1 TRAINING

Appropriate training will be provided for managers in the effective implementation and operation of the Supporting Employee Attendance Policy and Procedure to ensure consistency and full understanding. Elements of this training are mandatory for supervisors/managers please refer to the Council's training matrix for further information.

5.2 COMMUNICATION OF THE POLICY

The policy will be available on ICON, the intranet, as well as publically via the Council website.

6 RISK

6.1 LEGISLATIVE RISK

Managing sickness absence is a part of the employer's general duty to secure the health, safety and welfare of their employees (Health and Safety at Work Act (1974)).

The Employment Rights Act (1996) requires that terms and conditions such as sickness, notification of sick pay and rules relating to statutory sick pay must either be set out in a single document such as a “written contract of employment” or “statement of the main terms and conditions of employment” or in another readily accessible document (such as a sickness absence agreement) that is referred to in the above.

Sickness absence policies must be compliant with the Equality Act 2010.

6.2 WIDER RISKS

Without this policy there is a risks of high levels of absence from sickness. High levels of sickness absence are costly and disruptive and can lead to reduced service provision, additional pressure being placed on work colleagues leading to higher levels of stress and low morale, loss of continuity for Service users, additional salary costs necessary to cover absences and reputational damage for the Council.

7 EQUALITIES

7.1 CONSULTATION AND ENGAGEMENT

This policy was updated in consultation with the Trade Union Liaison Group.

7.2 EQUALITY IMPACT ASSESSMENT

This policy was assessed in relation to the Council’s equality duties. All employees are entitled to use, access and be subjected to the policy and there is no evidence to indicate that this policy could affect employees differently or less favourably, on the grounds of their Protected Characteristics.