

EXECUTIVE

Wednesday, 20 March 2019

6.00 pm

Committee Room 1, City Hall

Membership: Councillors Ric Metcalfe (Chair), Donald Nannestad (Vice-Chair), Jackie Kirk, Rosanne Kirk, Neil Murray and Fay Smith

Officers attending: Angela Andrews, Democratic Services, Kate Ellis, Jaclyn Gibson, Daren Turner, Simon Walters and Carolyn Wheeler

A G E N D A

SECTION A

Page(s)

EXTRACTS

1. Declarations of Interest

Please note that, in accordance with the Members' Code of Conduct, when declaring interests members must disclose the existence and nature of the interest, and whether it is a disclosable pecuniary interest (DPI) or personal and/or pecuniary.

SECTION B

2. Exclusion of the Press and Public

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You are asked to resolve that the press and public be excluded from the meeting during the consideration of the following items because it is likely that if members of the press or public were present, there would be disclosure to them of 'exempt information'.

In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, notice is hereby given of items which will be considered in private, for which either 28 days' notice has been given or approval has been granted by the appropriate person specified in the Regulations. For further details please visit our website at <http://www.lincoln.gov.uk> or contact Democratic Services at City Hall, Beaumont Fee, Lincoln.

Items 3 and 4 are being considered in private as they are likely to disclose exempt information, as defined in Schedule 12A of the Local Government Act 1972. No representations have been received in relation to the proposal to consider these items in private.

ECONOMIC GROWTH

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| 3. Western Growth Corridor Land Appropriations | [Exempt Para(s) 3] | 5 - 14 |
| 4. Western Growth Corridor Scheme Delivery | [Exempt Para(s) 3] | 15 - 62 |
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SECTION A

ECONOMIC GROWTH

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OUR PEOPLE AND RESOURCES

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| 6. Community Leadership Scrutiny Committee - Review of Local
Community Impact of Welfare Reform | | 77 - 82 |
| 7. Absence Management Policy | | 83 - 110 |

SUBJECT:	EXCLUSION OF THE PRESS & PUBLIC
DIRECTORATE:	CHIEF EXECUTIVE & TOWN CLERK
REPORT AUTHOR:	CAROLYN WHEATER, MONITORING OFFICER

1. Purpose of Report

1.1 To advise members that any agenda items following this report are considered to contain exempt or confidential information for the reasons specified on the front page of the agenda for this meeting.

2. Recommendation

2.1 It is recommended that the press and public be excluded from the meeting at this point as it is likely that if members of the press or public were present there would be disclosure to them of exempt or confidential information.

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SUBJECT: WESTERN GROWTH CORRIDOR – PLANNING APPLICATION SUBMISSION

DIRECTORATE: DIRECTORATE OF MAJOR DEVELOPMENTS

REPORT AUTHOR: KATE ELLIS – STRATEGIC DIRECTOR OF MAJOR DEVELOPMENT

1. Purpose of Report

- 1.1 This is the last of three reports on the 20 March 2019 Executive agenda that deal with various components of the delivery of the Western Growth Corridor (WGC) scheme. The first two reports are outlined in section 3 below.

This final report, which is subject to the approval of the two previous Part B reports, provides feedback to the Executive on the final element of the development public consultation on the WGC masterplan/further transport and flood mitigation work. It then seeks approval to submit the outline planning application for the WGC based on the proposed Masterplan with detailed applications for two of the three access junctions into the development.

2. Background

- 2.1 The Western Growth Corridor (WGC) is one of 4 sustainable urban extension (SUE) areas around Lincoln identified and promoted in the Central Lincolnshire Local Plan for development to meet the area's growth projections up to 2036. It is the closest SUE to the city centre and has the greatest opportunity to achieve real sustainability both within the development and for the surrounding communities. It is the major area for housing and employment growth in the city itself and is a key part of delivering Lincoln's Growth Strategy over the next 20 years.
- 2.2 There have previously been three main attempts (1996-2001, 2005-8 and 2013-16) to bring development forward in partnership between the Council and adjacent landowners. Significant issues in relation to flooding concerns (majority of the land is in a flood risk area), transport impacts, comparative commercial viability and landownership have prevented the development from coming forward. The scale of development has reduced over this time from around 5,000 homes with 36 hectares of employment land and 2 local centres to address the key historical issues faced by the development including flooding and transport.
- 2.3 The Central Lincolnshire Local Plan adopted in April 2017 following a robust and thorough examination has now approved the principle for development of the site. Having established the principle of development, the next stage has been to consider the key building blocks of the development at a broad rather than a detailed level. The Local Plan allocation is for a new neighbourhood of 3,200 new homes (20% affordable), 20 hectares of commercial/employment space, a new

Leisure Village, improvements in accessibility and range of green space, flood mitigation improvements, remediation of the former tip and a range of improved connectivity (roads, cycle paths and pedestrian routes).

- 2.4 The City Council is a significant landowner (owning about 60% of the site included within the proposed masterplan area) and has been leading on bringing forward development of the area in a viable, sustainable and deliverable way since 2016. WGC is a key priority within the City Council's Vision 2020 and delivers across all the Council's priorities and objectives. It is also the single biggest development area within the City boundary.
- 2.5 As reported to Executive on 24 September 2018, Lindum Western Growth Community Limited (Lindum) purchased about 40% of the site in Summer 2018, enabling the Council and Lindum to work together since September 2018 to progress the scheme.
- 2.6 The previous development led public consultation on the WGC draft masterplan was a comprehensive consultation undertaken between 28 June and 15 November 2017 including 9 events and resulted in over 350 people attending the events, 298 responses containing 982 comments covering 41 different topics. The Executive considered the consultation feedback on 02 July 2018 and a detailed response to the consultation along with a number of key changes to the Masterplan approved.
- 2.7 The areas of most comment were related to traffic, flooding, Hartsholme Drive access/connection to the development and infrastructure. It was agreed that further work would be undertaken on the transport and flood concerns (which form the basis for the final element of developer public consultation) and that the access from Hartsholme Drive into the development was amended to be a cycle/pedestrian link only.

3. Delivery Agreement & Scheme Viability

- 3.1 There are a number of documents that need to be agreed to progress WGC to the next phase. These are key documents that will steer and shape delivery of the scheme, in terms of financials, timescales and objectives.
They are:
 - Landowner Delivery Agreement (DA) including:
 - o Scheme Viability Assessment (overall) (SVA);
 - o Grants Strategy (GA);
 - o Procurement Strategy (PS);
 - o Design Code (DC);
 - o Infrastructure Phasing Plan; and
 - o Housing Delivery Phasing Plan;
 - Scheme Viability Assessment (Council) (SVAC); and
 - Phase 1a Costs & Delivery.
- 3.3 The Delivery Agreement is the single key overarching legal document between the Council and LWGC which will underpin delivery of the overall WGC scheme including:
 - Working together to implement the delivery of the WGC in accordance with the Central Lincolnshire Local Plan in the most efficient, effective,

- economical and sustainable manner;
- Submitting a joint planning application;
- Establishing the viability of the development through the SVA;
- What constitutes Common Infrastructure Costs (CIC);
- Procurement Strategy;
- Each party responsible for the non CIC costs and delivery on their respective landownership in accordance with the Infrastructure Phasing Plan and the Housing Delivery Phasing Plan;
- Grants Strategy setting out the principles, process and apportionment of grant funding in accordance with state aid requirements;
- Governance structures to oversee the implementation of the DA with a mutually beneficial approach that maximise outcomes for both parties;
- Duration of the agreement;
- Approach to State aid;
- Ability to accelerate common infrastructure;
- Ability to suspend development, if contrary to scheme viability assessment;
- Ability to undertake CPO action against third party rights;
- Termination clauses;
- Longstop dates; and
- Dispute resolution.

3.4 The Delivery Agreement has been negotiated with LWGC on the basis of the key principles agreed by the Executive on 24 September 2018 and all these key principles have been met. They are:

- **Parties:** The agreement will be between the Council and Lindum (either Lindum Group Limited or a suitably funded subsidiary company with ideally a parent company guarantee).
- **Purpose:** To regulate certain matters relating to the delivery of the Western Growth Corridor in accordance with the Central Lincolnshire Local Plan 2012-2036 (particularly Policy LP28 and LP30). No joint venture or partnership is created or intended.
- **Development:** Save as dealt with under the agreement, each party will have an unrestricted ability to develop their respective land-holdings, taking full development risk.
- **Planning:** A joint planning application will be made; the agreement regulating the deadline for agreeing and submitting the application, what will be considered an onerous or unacceptable planning condition, as well as the basis for whether to appeal a refusal. The agreement will also deal with finalising the terms of the s.106 agreement.
- **Infrastructure:** Common infrastructure will be defined, principally being the highways infrastructure (including bridges and primary spine road), drainage works, landscaping, and other works of a strategic nature. All other costs will be recovered solely out of the relevant “plot” and therefore not shared between the parties.
- **Infrastructure costs:** These will be apportioned on a fair and equitable basis between the two land-owners. An appropriate proportion of relevant historic costs incurred by the Council are to be recovered.
- **Infrastructure works:** These will be procured either by the Council or on an agreed joint basis. All works will be procured in a way which meets Public Contract Regulations 2015 and delivers value for money. Works will be let in packages and sequenced. Frameworks will be used where

appropriate.

- **Grant monies:** Any grant or other public funds available to the Council will be applied towards infrastructure costs as permitted by the grant provider. The application of these funds will be reflected in the method for apportioning costs and compliant with state aid law.
- **Security:** To protect the Council, and depending on the detail of how costs will be met, the agreement may require Lindum to provide security in respect of its financial commitment to meet infrastructure costs as they are incurred.
- **Assignment:** It will be recognised that appropriate obligations (including those arising under an agreement with Homes England) will need to be passed on to third parties (for example, where a parcel of land is sold off to a house-builder) or with the land. As such, the agreement will deal with that by means of deed of covenant and/or s106 and/or title restriction.
- **Development:** The agreement will describe how the development will be phased and will ensure that the two land-owners are not competing with each other (in addition to, or by reference to, any equivalent planning obligations). This will include appropriate terms in respect of sales, marketing, signage, etc.
- **Transport:** The Council will continue to lead on all matters requiring engagement with the Highways Authority and Highways Agency.
- **Fetter of discretion:** The agreement will make clear that it does not, and cannot, fetter the exercise of the Council's statutory discretion, including as planning authority.
- **General:** The agreement will contain the usual terms in relation to matters such as confidentiality, dispute resolution, service of notices, means of communication via representatives, open book, and so on.

- 3.5 **Scheme Viability Assessment:** The Scheme Viability Assessment was prepared by an external expert development cost consultant. Various versions have been developed as the Masterplan for WGC has evolved to ensure that the scheme that proceeds to planning and the basis for the commercial terms within the landowner delivery agreement is both deliverable and commercially viable.

Scheme viability is very complex at this stage and depends upon a range of assumptions and variables ranging from build costs to sales values, rates of sales and timing of infrastructure and section 106 contributions. The viability also varies depending upon whether the landowner sells unserviced land, serviced land, develops parts or all of the land themselves as either residential or commercial. The potential iterations are endless. However, the Council's assessment shows that so long as the Council delivers a significant proportion of the development itself and/or in a form of joint venture then the scheme is viable to proceed.

- 3.6 **Cost & Delivery of Phase 1a:** As a result of the scheme viability assessment work it is proposed that the first 52 units on the Council's land at Skellingthorpe Road is developed by the Council itself for market housing. Sufficient resources, supported by Homes England grant, are available to deliver these new homes with any surpluses being set aside to help fund future phases.

4. Public Consultation Feedback

- 4.1 A final round of developer led public consultation, primarily providing feedback on the additional transport and flood work commissioned following the 2017 public consultation feedback, was open from 01-18 February 2019. There were also 6 consultation events held between Tuesday 05 and Saturday 09 February at a range of locations in the neighbouring communities. The consultation and events were publicised in Your Lincoln, a leaflet distributed to around 16,000 individual households within those neighbouring communities, along with a range of local and social media supported by local councillors also publicising the consultation.
- 4.2 Openplan (a Lincoln based place making consultancy with expertise in planning, community engagement and place shaping) have been commissioned by the Council to facilitate the developer public consultation events. They facilitated both the events in 2017 and those in February 2019 and are producing the Statement of Community Involvement as part of the planning application submission.
- 4.3 Over 400 attended the events (more than in 2017) and whilst there were a large number of comments made at the events, there were 48 completed questionnaires (less than in 2017). The feedback from the questionnaires did reflect the individual comments made at the consultation events. The February 2019 consultation period was shorter than the previous consultation that ran between June-November 2017 as it was designed to focus on providing the further information on transport and flood concerns. The full information and analysis on all aspects of the planning application development, including transport and flood, will of course be made available when the application is submitted and the Local Planning Authority will undertake a formal consultation process that will enable people to give their views.
- 4.4 The consultation events largely focused on providing further information on the issues of transport and flooding as the two key public concerns, and whilst transport in particular remains the biggest concern, a wide range of topics were also raised including ecology, provision of affordable housing, health facilities, schools, sustainability, impact on the environment and early provision of infrastructure.
- 4.5 The questionnaire was based on the most frequently raised questions from the 2017 consultation, which the events themselves were then aimed at addressing. The analysis of the questionnaire responses seeks to capture whether the further work undertaken and the information provided in February have helped to address those questions. The results are summarised in the table below.

Question derived from responses to previous consultation (2017)	Are you happy with the assessment that has been carried out and changes that have been made?		
	YES	NO	N/A
Won't this development just add to the current chronic traffic problems in this area and the wider city?	17	27	4
Will the development add more congestion on the Skellingthorpe Road roundabout?	21	22	4
More detail is needed regarding the traffic impact on the A46 bypass. Shouldn't there be an additional roundabout access to the A46 for the WGC?	23	21	4
Hasn't the Environment Agency always been against development on this site as it is considered a flood plain? Why has this now changed?	21	23	4
Won't any buildings on this land be susceptible to regular flooding and have a negative impact on the established properties in the area?	25	19	4
Won't raising the land on the site (to make it developable) provide a significant risk to the existing residents whose homes are lower than the surrounding area? Where will the flood water, which currently occupies the site go once all housing is built?	24	20	4

The analysis of the questionnaires received in relation to transport and flooding did mirror comments made at the events.

- 4.6 There was clearly a lot of concern from event attendees about the current experience of congestion on Skellingthorpe Road in particular. This was both onto the A46 and on to Tritton Road as a result of the railway crossing impact and the junction design. The overwhelming request was for the main spine road that would link Skellingthorpe Road with a bridge over the railway into Tritton Road, therefore avoiding the level crossing impact, to be put in as soon as possible.

From the majority of attendees there appeared to be an understanding that:

- Congestion in the area will get worse **without** the development;
- The solutions proposed by the development itself **will provide relief** to the current issues; and
- **Economically**, it was not possible to put the link in from the start.

However, it is clear that from the community comments that they want the link in as soon as possible.

- 4.7 Openplan's conclusion from both the questionnaire feedback and the comments made during the events themselves is as follows:

"...Although concerns about both flood risk and traffic remain, the information provided during this consultation and the changes that have been made since the previous consultation appear to have reassured most respondents that the issues have been properly considered, and some that the solutions proposed are acceptable..."

5. Proposed Planning Application Submission

- 5.1 The February 2019 consultation itself has not led to any proposed changes to the revised Masterplan that emerged following the previous 2017 consultation. The proposed Masterplan is therefore, attached as Appendix A.
- 5.2 The Outline Planning Application for the overall development as shown at high level on the proposed Masterplan has been developed on the basis of a wide range of surveys, investigations and analysis that comply with all the planning guidance and policy requirements along with the feedback from public consultation and the statutory consultees.
- 5.3 Alongside the extensive transport modelling that has been undertaken, further analysis and work has been undertaken by a second transport consultant to provide an additional technical appraisal of the transport information in relation to both sustainable forms of transport and car movement. This additional work has helped to ensure that the access strategy proposed for the development is the best possible solution to maximise the opportunities that the site offers being so close to the city centre. The measures proposed therefore do actively encourage and ensure that more sustainable forms of movement (particularly cycling, walking and the use of the bus) are realistically possible on this location, whilst still enabling improvements in car movements for both the development and the wider community to reflect the needs of those for whom sustainable travel is not an option.
- 5.4 The detailed design for two of the three access points for the proposed new roundabout at Skellingthorpe Road/Birchwood Avenue and the access onto Tritton Road with a road bridge over the railway into the development have also been prepared to accompany the outline application for detailed consent. These two access points have been designed to enable them to then be developed further for costing, procurement and delivery as part of the first phase of the development.
- 5.5 The Outline Planning Application also proposes 4 main phases of development delivery, split into further sub-phases. They are shown in the table below:

PROPOSED PHASE	DESCRIPTION
1a	- 300 units - New roundabout Skellingthorpe Road/ Birchwood Avenue - Improvements to A46/Skellingthorpe Road roundabout
1b	- 300 units - Tritton Road bridge
1c	Connect main spine road between Skellingthorpe Road/Birchwood Avenue and Tritton Road bridge
2a	- 400 units - Primary school - Tritton Road bus lane - Part provision of strategic Public Open Space (POS)
2b	- 600 units - Start local centre - 5,000sqm commercial - Part provision of strategic POS
2c	- 600 units - 5,000sqm commercial - Part provision of strategic POS
2d	- 600 units - 5,000sqm commercial - Final part of strategic POS
3*	Beevor Street Link
4a	400 units
4b	Final 25,000 sqm of commercial
4c*	Development of Leisure Village
4d*	Development of Stadium

*Once funding is obtained the Beevor Street link along with the Leisure Village and the Stadium can be brought forward either alongside phase 1c or at any point after.

- 5.6 The planning submission has been prepared and is now undergoing final checking to be ready for formal submission to the Local Planning Authority (LPA) within the next month. The LPA would then undertake its own normal assessment and formal consultation processes for a Major Application of this size, which may well lead to changes to any of the elements proposed.

6. Timescales

6.1 The revised target timescales proposed are as follows:

Activity/Milestone	Target Timescale
Signing of the Delivery Agreement and associated documents.	April 2019
Submission of Outline Planning Application with detailed design for the 2 access junctions at Skellingthorpe Road and Tritton Road.	April 2019
Start of the procurement process to have contractor in place for mobilisation start date.	April 2019
Continued pursuit of appropriate external funding to help bring forward the Tritton Road bridge and link to Skellingthorpe Road	Ongoing
Subject To Planning	
Mobilisation should planning consent be granted	Spring 2020
Start on site (subject to planning) with Skellingthorpe Road/Birchwood Avenue roundabout for Phase 1a	Summer 2020
Completion of Phase 1a infrastructure – Homes England require grant funding to be spent by March 2021	Winter 2020/21

7. Strategic Priorities

7.1 Let's drive economic growth

The creation of a new neighbourhood provides homes for the workforce alongside 20 hectares of commercial land providing a wide range of employment opportunities.

7.2 Let's reduce inequality

The development will have a positive benefit in terms of this priority. As well as 20% of the new homes being affordable, a range of employment opportunities, a range of cultural/leisure opportunities as well as a wide range of options for walking/cycling and other transport measures.

7.3 Let's deliver quality housing

The Council will be ensuring through its land ownership that a full range of type and tenure of housing choice is delivered to a quality standard.

7.4 Let's enhance our remarkable place

The area for development has a fantastic environment and some very special attributes in terms of existing quality landscape, views of the historic area and the biodiversity of the natural environment which will be utilised to create a quality community environment.

8. Organisational Impacts

- 8.1 **Finance:** There is sufficient budget already allocated to cover the cost of submission. The fee for the planning application submission will be split 50/50 between the Council and LWGC with a proportionate contribution from Lindum Group in relation to their landholding at Fen Plantation Farm.

The other financial implications arising from this report contain commercially sensitive and exempt information as defined in Schedule 12A of the Local Government Act 1972 and cannot therefore be published.

- 8.2 **Legal Implications:** There are no legal implications arising directly from this report.

- 8.3 **Equality, Diversity and Human Rights:** There are no implications arising directly from this report.

9. Recommendations

- 9.1 To receive the feedback from the public consultation and support the on-going work to secure external funding to enable the spine road through the development connecting Skellingthorpe Road with a road bridge over the railway into Tritton Road as early as possible (subject to planning consent being obtained).
- 9.2 Agree to the submission of the WGC Outline planning application with the two detailed applications for the access junctions at Skellingthorpe Road/Birchwood Avenue and Tritton Road. Delegating the final sign off on the content of the planning submission to the Strategic Director of Major Development.

Is this a key decision? Yes

Do the exempt information categories apply? No

Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply? No

How many appendices does the report contain?

1
Appendix A – WGC Masterplan

List of Background Papers:

None

Lead Officer:

Kate Ellis – Strategic Director of Major Development
Telephone (01522) 873824

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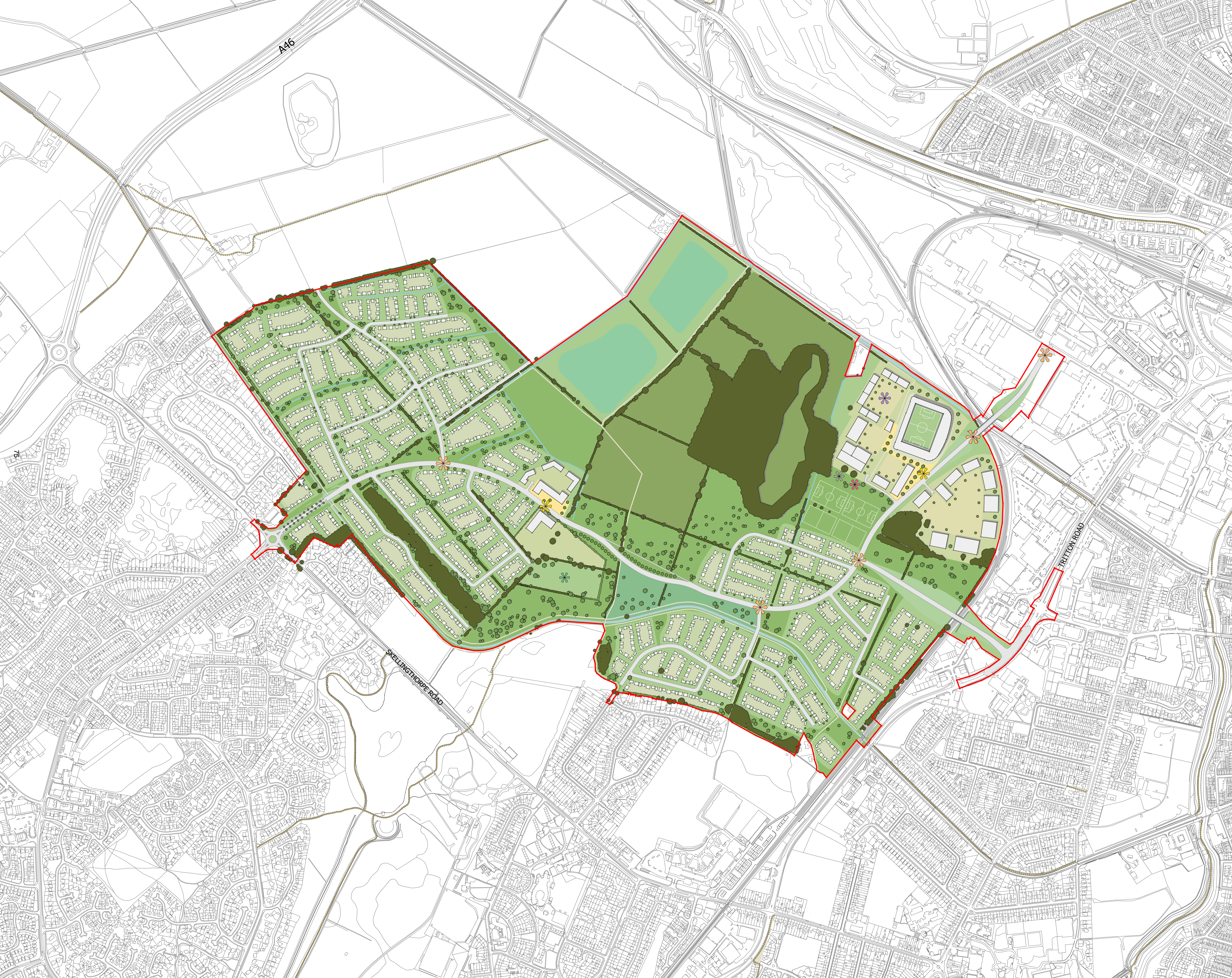


REVISIONS

REV	AMENDMENTS	BY	DATE
S	Parcels amendment	RR	18.10.18
T	Highways drawings added	RR	07.12.18
U	Parcels amendments	RR	05.02.19
V	Final adjustments to commercial, landscape and residential areas	RR	22.02.19

KEY

- Planning Application Boundary
- Residential Development
- Commercial Development (B1, B2, B8)
- Primary Vehicular Route
- Secondary Vehicular Route
- Existing / Proposed Pedestrian / Cycle Route
- Existing Off Site Pedestrian Links / PROWS
- Existing Off Site Cycle Links
- Public Open Space
- Ecological Area
- Existing Trees / Hedges
- Proposed Trees / Hedges
- Drain / SUDS
- Traffic Calming
- Bus Priority
- Potential Park & Ride
- Skate Park
- Changing Hub
- Allotments



Lincoln Western Growth Corridor

City of Lincoln / Lindum Group

Illustrative Masterplan

DATE: 22.02.19 SCALE: 1:5000 @ A1
DRAWN BY / REVIEWED BY: RR / AC
PROJECT NO: DRAWING NO: REVISION:
HG1264 SP-01-1 V

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SUBJECT:	COMMUNITY LEADERSHIP SCRUTINY COMMITTEE – REVIEW OF LOCAL COMMUNITY IMPACT OF WELFARE REFORM
DIRECTORATE:	CHIEF EXECUTIVE AND TOWN CLERK
REPORT AUTHOR:	GRAHAM WATTS, DEMOCRATIC TEAM LEADER AND ELECTIONS MANAGER

1. Purpose of Report

- 1.1 To provide the Executive with a report on the key findings and emerging recommendations following the Community Leadership Scrutiny Committee's review into the local community impact of welfare reform.

2. Background

- 2.1 As part of the Community Leadership Scrutiny Committee's previous review into Inclusive Growth, the Committee agreed to undertake a further review on the local community impact of welfare reform.

- 2.2 The Committee met on 3 July 2018 where it was agreed that the scrutiny review onto the local community impact of welfare reform would focus on two key strands, as follows:

i) Universal Credit

- background to Universal Credit;
- the role of key support teams and agencies in responding to Universal Credit;
- how Universal Credit had impacted these key teams and agencies, as well as any broader welfare reform;
- the impact of Universal Credit and welfare reform on communities;
- how teams and agencies worked together to meet demand, fill gaps and avoid duplication.

ii) Housing

- background on housing and its affordability, including its link to Universal Credit and welfare reform;
- demand for affordable housing in the city;
- the Council's role as landlord and as an enabler of affordable housing;
- how affordable housing was encouraged in the city and what impact this was having;
- the role of planning policies in delivering affordable housing.

- 2.3 The review commenced with a meeting on 28 August 2018 which was attended by Helen Oliver, Chief Officer of the Lincoln and District Citizens Advice, where she provided an overview of the role of her organisation and the different avenues of support it provided in relation to welfare reform.
- 2.4 The Committee met again on 6 November 2018 to understand the supply of housing from a developer's perspective, a social landlord's perspective, a planning perspective and a private rented sector perspective.
- 2.5 A further meeting of the Committee was held on 18 December 2018 which followed the 1 October 2018 announcement by the Department for Work and Pensions that its Universal Credit Support Scheme, which is currently provided by Local Authorities (with grant funding from the Department for Work and Pensions), will be delivered by Citizens Advice from April 2019.
- 2.6 The final meeting of the scrutiny review was held on 8 January 2019. At this meeting the Committee explored the impact of Universal Credit and housing accessibility/affordability from the perspective of tenants. This covered both the social rented sector and the private rented sector. In particular, it provided the Committee with the opportunity to consider key themes from the 6 November 2018 and 18 December 2018 meetings and how they impact tenants.

3. Evidence Gathering

- 3.1 As part of this scrutiny review the Committee was able to gather a significant amount of evidence from internal officers and representatives of external organisations. An overview of this key evidence is set out below:

Universal Credit and Housing Supply

- 3.2 The Committee heard from:
- John Stewart, Policy Manager at the Residential Landlord Association
 - Kieron Manning, Planning Manager at City of Lincoln Council
 - Simon Colburn, Assistant Director of Health and Environmental Services at City of Lincoln Council
 - Andrew McNeil, Assistant Director of Housing Investment and Strategy at City of Lincoln Council
- 3.3 Key findings included:
- There is a large need for affordable homes in Lincoln (17,400 across Central Lincolnshire by 2036)
 - Development is slow, and material and land costs are high
 - Lincoln is constrained by its boundaries
 - 70% of landlords felt recent changes reduced profitability of letting homes
 - 69% said the changes discouraged investment
 - 67% said rents would have to increase
 - 62% would be unwilling to let to people on Universal Credit
 - The council is taking a tough position on rogue landlords, and driving up standards in the private sector generally

4. Announcement of transfer of Universal Credit Support from Local Authorities to Citizens Advice

4.1 The Committee heard from:

- Graham Metcalfe, Partnership Manager at Department for Work and Pensions (Lincoln Jobcentre)
- Martin Walmsley, Shared Head of Revenues and Benefits at City of Lincoln Council and North Kesteven District Council
- Helen Oliver, Chief Officer at Citizens Advice Lincoln and District

4.2 Key findings included:

- Universal Credit Support is to be delivered by Citizens Advice from April 2019
- The current level of funding provided to the council is circa £68k (£53k + £15k)
- This leaves a £32k funding shortfall for the staffing of the Council's Universal Credit Support Team
- Citizens Advice has been provisionally told their funding will be a much lower £23k
- Citizens Advice opening hours are 9am – 1pm, Mon – Thurs
- Citizens Advice advised it does not have the resources, systems, processes, staffing, or expert knowledge to match the standard of Universal Credit Support currently offered by the Council
- Citizens Advice also advised it will need to rely on volunteers to deliver the service moving forward
- The statutory obligation for Universal Credit Support is on the Department for Work and Pensions
- The Committee encouraged the undertaking of an options appraisal to consider any opportunities for Citizens Advice Lincoln and District to pool its resources with neighbouring Citizens Advices in the delivery of Universal Credit Support

5. Universal Credit and Housing Demand

5.1 The Committee heard from:

- James Wilkinson, Strategic Development Project Manager at City of Lincoln Council
- David Ward, Tenancy Services Manager at City of Lincoln Council
- Martin Walmsley, Shared Head of Revenues and Benefits at City of Lincoln Council and North Kesteven District Council
- Helena Mair, Senior Case Worker for Karen Lee, Member of Parliament for Lincoln

5.2 Key findings included:

- There are 978 applicants currently on housing waiting list
- Between April and November 2018, there were 491 homelessness applications
- It can be difficult for particularly vulnerable groups to access support
- New claimants are waiting five weeks before receiving payment leading to a build-up of rent arrears and other debts
- There is a lack of awareness of the new welfare system amongst claimants. For example, there have been instances where new claimants have not realised they can no longer claim housing benefit and that they must pay the

- housing element of Universal Credit to the Council for their rent
- Additionally, the MP's Office has engaged with individuals that are struggling to cope on Universal Credit due its design e.g. where two salary payments fall in a one month period then Universal Credit is lost for the following month, despite the claimant receiving no additional salary
- The MP's Office reported a slow response rate in dealing with MP concerns from the Jobcentre Office
- The Committee discussed that many prospective tenants may be confused by the Council's tenancy contract, and clearer information on their rights and responsibilities upon signing for a Council house may avoid issues at a later date

6. Emerging recommendations

6.1 Over the period of the scrutiny review the following emerging recommendations were identified by the Community Leadership Scrutiny Committee. At its meeting on 5 March 2019 these recommendations were approved for referral to the Executive:

- i) That the Council, as part of the refresh of the City Centre Masterplan and associated work already underway, seeks to increase the vibrancy of the city centre and undertake a review of empty commercial units, particularly units above shops, to ascertain whether there are any opportunities to convert them to residential use.
- ii) In view of the fact that the Welfare Advice Team, Universal Credit Team, Customer Services Team, Tenancy Services Team and Citizens Advice all currently work independently to provide support to Universal Credit claimants and customers and in light of the national decision to withdraw funding from local authorities and reallocate this to Citizens Advice, that the Council undertakes a comprehensive review of the areas within its service delivery that supports welfare advice to the city's residents.
- iii) That the Council agrees to lobby local and regional Department for Work and Pensions representatives to better understand why there continues to be a delay in the payment of Universal Credit payments, which causes significant issues for the Council's tenants as well as tenants in the private rental sector.
- iv) That the Council's Housing Directorate undertakes a review of housing allocations and tenant services in order to increase and improve the sustainability of Council tenants.
- v) That the Council reviews the provision and considers a re-launch of a scheme with the Acts Trust, which had previously been set up under a Service Level Agreement regarding the re-use and distribution of abandoned furniture to Council tenants, and identifies any further opportunities to work with other charities or organisations to improve access to free furniture or white goods for those tenants struggling to furnish their homes.

- vi) That recommendations i) to v) above be referred to the relevant Vision 2020 Groups for consideration and addition to the respective work programmes.

7. Strategic Priorities

7.1 Let's reduce inequality | Let's deliver quality housing

This strategic review has contributed to both the Reduce Inequality and Quality Housing strategic priorities as it seeks to bridge the gap between the provision of support for people on Universal Credit and their need to access and maintain good quality, affordable accommodation.

8. Organisational Impacts

8.1 Finance

The financial implications of each of the recommendations will be considered by each of the relevant Vision 2020 Groups. Any specific implications will be subject to the relevant approval processes and if necessary require Executive approval.

8.2 Legal Implications

No legal implications have arisen as a result of this report.

9. Recommendation

- 9.1 That the Executive considers the findings and recommendations of the Community Leadership Scrutiny Committee's review into the local community impact of welfare reform and outlines its support and endorsement of the recommendations set out at paragraph 6.1 of the report.

Is this a key decision? No

Do the exempt information categories apply? No

Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply? No

How many appendices does the report contain? None

List of Background Papers: None

Lead Officer: Graham Watts
Democratic Team Leader and Elections Manager

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SUBJECT: ABSENCE MANAGEMENT POLICY (SICKNESS)

DIRECTORATE: CHIEF EXECUTIVE AND TOWN CLERK

REPORT AUTHOR: ALI THACKER, HR TEAM LEADER

1. Purpose of Report

- 1.1 To enable the Executive to consider and approve on the proposed revisions to the Absence Management Policy.

2. Executive Summary

- 2.1 The HR team have revised the Absence Management Policy (previously Sickness Policy). The revisions include a revised approach to manage long term absence. These changes have been discussed and agreed with the trade unions.

3. Background

- 3.1 The HR team are required to continually review and streamline the Council's policies and procedures as and when required to ensure they are clear, cohesive, fit for purpose, and legally compliant.
- 3.2 Although the Council Sickness rate continues to reduce slightly compared to the previous years, these proposed changes are designed to approach the management of long term absence in a different manner. This is to ensure that there is no perception through the policy, that the manager is putting pressure on the employee to return to work earlier than necessary.

4. Sub section titles

- 4.1 This section of the report details the main proposed changes.
- 4.2 Long Term Absence

Previously in the policy when an employee hit a long term trigger point they would be given a target date to return. In discussions with the Unions, they considered that this was potentially putting pressure on the employee to return to work earlier than necessary. Taking these union concerns into account the Council proposes to change the policy for long term absence so this perception of any pressure is removed.

The proposed changes are that employees will not be given a target date to return to work, but will instead have regular meetings with their manager where the employee's absence will be discussed and monitored.

The manager will have the option to undertake these meetings as follows:

Informal Meeting – after 15 days.

Stage 1 Formal Meeting – after 6 weeks

Stage 2 Formal meeting – after 3 months

Then if an employee's absence continues beyond this point, a Stage 3 Formal Meeting will be held. This would be in the event that following a long term sickness absence, medical advice is that there is doubt about the potential for the employee to return to work within a reasonable time period.

5. Strategic Priorities

5.1 High performing services

It is envisaged that this policy will continue to ensure that sickness absence is managed effectively and in an appropriate manner which in turn will help to deliver high performing services.

6. Organisational Impacts

6.1 Finance (including whole life costs where applicable)

Not applicable

6.2 Legal Implications including Procurement Rules

The enclosed policy has been reviewed and updated taking into account legislative requirements.

6.3 Equality, Diversity and Human Rights

The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.

It requires that public bodies have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

6.4 Human Resources

The joint HR and Trade Union meetings have been used to consult with the Trade Unions so that their views can be taken into account prior to JCC.

This policy has been reviewed at the request of the trade unions and have welcomed the proposed changes.

This policy was presented to JCC in January 2019 and no additional comments were made.

8. Recommendation

8.1 That Executive approves the proposed changes to the Absence Management Policy.

Is this a key decision? No

Do the exempt information categories apply? No

Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply? No

How many appendices does the report contain? One

List of Background Papers: None

Lead Officer: Ali Thacker
HR and Payroll Team Leader 3801

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1. Introduction

This policy has been put in place to assist Managers in managing sickness absence within the general terms and conditions set out in the Red and Green Book. Nothing in this policy overrides the terms and conditions set out in either Book.

The Council considers the health, safety and well being of its employees to be of the highest importance. Our employees are our most valuable resource in providing high quality services to the public, and as such it is vital that employee's attendance at work is managed.

There will be times when employees are absent due to sickness and the Council will respond sympathetically to cases of illness. However, through careful monitoring of absences the Council will ensure that working days lost due to sickness are monitored and managed.

2. Objectives

It is the Council's Policy to:

- Manage employee sickness absence effectively, in a fair, supportive and consistent manner, and to comply with current legislation.
- Treat employees who are suffering with ill health, injury or disability with dignity and respect at all times.
- Promote employee health, safety and wellbeing and seek to prevent occupational injury and/or absence.
- Take appropriate action to reduce sickness absence levels and create a culture of good attendance, based on encouraging and helping employees.
- Ensure employees are aware of their responsibilities in regard to attendance at work and the effects and consequences of poor attendance.
- Assist Managers in managing sickness absence and return to work plans.
- Access professional occupational health support and counselling and/or other medical intervention where necessary.
- Make reasonable adjustments where the need arises for employees with regard to their working arrangements or working conditions so they can continue to work.
- Keep in contact with absent employees.
- Record measure and monitor sickness, using the ITrent System.

3. Scope of this Policy

This policy applies to all employees of the Council. It is intended to provide a fair and consistent framework of good practice which will help Managers to deal with issues related to absences at work and encourage attendance by looking at solutions to underlying problems. Managers are encouraged to look at the cause and effect of the absence.

It must be understood however that this policy is not meant to be a rigid procedure to be followed in every circumstance, nor is it envisaged that all

stages of the procedure will be followed. In some cases it may be appropriate to specify different improvement targets (for short term triggers) and/or omit certain stages all together where it is identified at an early stage that the employee will be unable to return to their role, and/or where a serious medical condition will result in a prolonged period of absence which could seriously detrimental impact on the service.

Managers should be aware that Return to work interviews must take place after every absence.

It is important to take account of the facts surrounding each individual case in deciding appropriate action and if Managers are in any doubt they should consult HR for advice and support.

Health or any other physical or mental issues which are leading to attendance problems should be dealt with under this Managing Sickness Absence Policy.

Health or any other physical or mental issues which are leading to performance problems should be dealt with under the Employee Capability Policy.

Industrial injury

The exception to this policy is where an employee suffers an accident or assault at work or develops an industrial disease. In such cases, the accident, assault or disease stands alone from the normal 12 month rolling total and the normal service related eligibilities apply.

4. Roles and Responsibilities

4.1 CMT:

- A member of CMT will attend Sickness Performance Clinic sessions to review specific cases of sickness absence to ensure that this policy is being adhered to.

4.2 Directors, Assistant Directors and Service Managers:

- Ensure that sufficient resources are available to implement this policy;
- Review/monitor and scrutinise the sickness absence data and ensure action necessary to reduce sickness is implemented;
- Ensure that service based processes and arrangements support the implementation of this policy within their area of responsibility;
- Managers must attend mandatory training on this policy;
- Undertake sickness related appeal meetings;
- Recognise those employees where 100% attendance has been achieved.

4.3 Managers:

The term “Manager” is a generic term used throughout this policy to include all those who have direct line responsibility for staff, such as Service Managers and Team Leaders.

It is a core responsibility of all Managers to be aware of sickness absence levels in their teams and the causes of sickness absence in relation to employees they manage. Managers are responsible for addressing individual cases of sickness absence, investigating and providing support as appropriate.

Managers should:

- Manage sickness absence in accordance with this Policy;
- Attend mandatory training on this and any other HR Policy;
- Making sure that significant risks are controlled in accordance with Health and Safety at Work so as to prevent/reduce cases of work-related injury and ill health absence;
- Make known to all employees to whom they should report absence if the direct line manager is not available ;
- Maintain regular and appropriate contact with employees who are absent from work due to sickness and if appropriate give them the opportunity to keep in touch with their team, if they wish;
- Follow the standard process for recording sickness absence details and certification in a timely manner and take remedial action if these procedures are not followed;
- Conduct routine return to work discussions ;
- Manage absences by considering appropriate action to be taken when sickness indicators are reached and undertaking sickness absence review meetings to facilitate and implement return-to-work plans as appropriate;
- Liaise with HR to make referrals to the Occupational Health Service, when required;
- Be familiar with, and comply with, the procedures to manage sickness absence and attend related training events as appropriate.

4.4 Employee Responsibilities

Employees of the Council have a responsibility to:

- Attend work unless unfit to do so;
- Comply with sickness absence notification and certification procedures;
- Participate in return to work discussions and sickness absence review meetings as required;
- Co-operate with attempts to assess fitness for work, including attending referral meetings to the Occupational Health Service as required;
- Provide HR/Occupational Health access to GP and/or other medical records where considered necessary;
- Receive and follow medical advice and treatment where appropriate in order to facilitate a return to work;
- Not engage in any activity which may delay recovery;

- Maintain regular contact with their Manager when absent.

In exceptional circumstances a failure to comply with the above may lead to sick pay being suspended or withheld and formal disciplinary action being taken.

4.5 Trade Unions:

The Council welcomes the support provided by Trade Unions to their members.

Trade Unions will:

- Understand the importance of the sickness policy and procedures, how they are applied and the benefits of advising members;
- Support and advise union members at their request by attending meetings.

4.6 HR :

- To advise on the application of the policy and procedures;
- To review and maintain the policy, ensuring it complies with legal requirements and is fit for purpose;
- To advise and support Managers and employees affected by the application of this policy;
- To provide adequate training to Managers ;
- To undertake corporate monitoring as set out below.

5. Monitoring

Effective monitoring of attendance at work requires a joint approach recognising and clearly defining the responsibilities for monitoring attendance at work at the corporate, directorate and individual manager level. Such an approach however, should be underpinned by the understanding that it is the Manager who is best placed to undertake the important monitoring role.

5.1 Corporate Monitoring

HR will prepare a report on a weekly basis detailing the level of long term sickness absence of each directorate, and a member of the HR team will contact the manager to discuss appropriate action.

HR will benchmark how well the Council is performing with absence rates as compared to other Councils/Organisations within the district and identify best practice to highlight areas for improvement.

Managers will be expected to monitor an employee's sickness record and identify when an absence trigger has been reached.

Admin. Officers will provide Managers with an additional notification when a short-term absence trigger is reached to ensure that the relevant documentation is completed.

CMT will attend Sickness Performance Clinic sessions to review specific cases of sickness absence to ensure that this policy is being adhered to.

5.2 Directorate Monitoring

The Directorate Administrator should also monitor and make regular checks that the appropriate action e.g. return to work interviews and completion of appropriate documentation are being carried out by the Manager.

6. Employee Notification of Absence Procedure

6.1 Absence day 1 to day 7

Employees who are prevented from attending work due to ill health must contact their Manager as soon as possible on the first day of absence. The Manager must notify their Admin Officer so that a record is created on Itrent.

Notification should be made by the employee directly, by telephone, to their Line Manager before the employees scheduled start time. There may be some very exceptional circumstances where an employee cannot report the absence.

On these very rare occasions someone may report the absence on their behalf and the employee should then phone their Manager at the first available opportunity. The Manager will then notify the Admin Officer of the absence so that a record is created on ITrent.

Green Book Apprentices should telephone the Work Based Learning Team Leader before their scheduled start time to report their absence. The Work Based Learning Team Leader will notify the placement as soon as possible and then create a record on ITrent.

Red Book Apprentices should telephone their assigned Team Leader before 8:30 to report their absence. The Team Leader will then notify the Admin Officer of the absence so that a record is created on ITrent.

Notification of sickness should include the reason for absence, and when the employee first became unfit for work, (including rest days, Saturdays, Sundays, during annual leave and Public Holidays). If possible, an indication should be given of how long the employee anticipates they may be absent.

The employee must maintain daily contact with their Manager for the first seven days, unless a longer period is agreed with the Manager, to advise on progress of their condition. The employee should also notify the Manager of any work commitments which may need reorganising, rearranging or cancelling.

What level of contact is required is a matter of discretion for the Manager, taking into account the employee's views. Managers should consider the need to keep up to date with the employee's condition and to ensure they do not feel isolated versus an employee feeling badgered to contact the Manager on a regular basis

6.2 Absence day eight

The Manager must receive a medical certificate from a Doctor, note the contents and pass it to the designated administrator for recording on I-Trent. The administrator will then scan the certificate onto I-Trent and return the original to the employee. Employees should also telephone their Manager and give an update on their continued absence.

If at anytime the Manager is unavailable then a message should be left for the Manager to return the call or the employee must speak to the nominated substitute.

Employees should also ensure that subsequent medical certificates are submitted to cover the total period of absence. Managers should ensure that regular contact with the employee is maintained throughout the absence period.

7. Sickness during pre-booked Annual Leave

The Green and Red Book (National Agreed Terms and Conditions) states:

'An employee who falls sick during the course of annual leave shall be regarded as being on sick leave from the date of a Doctor's statement'

Therefore where an employee wishes to reclaim a proportion of their annual leave entitlement due to them being sick prior to or while on annual leave, the employee will be required to comply with the sickness reporting procedures and provide a medical certificate to cover them for the days which they wish to reclaim.

A failure to comply with these procedures will result in the employee being unable to reclaim the time as annual leave.

If the employee became fit for work whilst still on leave, they should confirm the date on which they would have been fit to work on their return from leave.

8. Medical Suspension

The Council retains the right to medically suspend an employee on full pay if it believes their health and wellbeing may be detrimentally affected by their attendance at work.

The period of suspension will be to give the Council time to obtain medical advice as to the employee's condition, fitness for work and reasonable adjustments that should be considered prior to the return of an employee and to implement any such adjustments.

Medical suspension is a not a disciplinary sanction and is in place for the protection of the Council and its employees.

Medical Suspension cannot be implemented without the permission of a Director or Assistant Director and HR Manager or, in the HR Manager's absence, an HR Associate.

9. Disability / Pregnancy Related Absences

The Council is aware of its duties under the Equality Act and issues relating to attendance and disability will take into account the Council's commitment to retaining staff through making reasonable adjustments to jobs, equipment and processes and accessing medical advice through occupational health and/or other relevant medical experts. To ensure that an employee with a disability is protected it may be necessary to undertake a risk assessment, including completion of a Personal Evacuation Plan.

Although disability related absences will count towards the employee's sickness absence record, where appropriate the council will look to implement reasonable adjustments to aid the employee's attendance at work.

Managers should refer to HR for advice and guidance on the complex issues around sickness and disability.

Pregnancy related absences must not result in any formal attendance management action being taken.

10. Phased Return Programme

The purpose of a phased return programme is to rehabilitate the employee to their full duties and/or to enable the employee to gradually progress to undertake their full normal working hours and duties.

The Council is committed to providing a safe and healthy working environment for its employees. It recognises that employees who have experienced a prolonged period of absence from work due to illness or injury may require a phased return plan to support them in returning to work.

A phased return programme may consist of the following adjustments being implemented:

- Reduced hours
- Amended duties
- Workplace adaptations
- Alternative duties

A phased return programme can be used in the following circumstances:

- To assist an employee's rehabilitation and return to work following an absence.
- To assist an employee in remaining at work and subsequently avoiding a sickness absence.

The Council recognises that the circumstances of each phased return programme will differ and will deal with arrangements in a sensitive and flexible manner, however when considering a phased return programme the manager must seek advice from either OH/a medical expert or a member of the HR team before agreeing to a programme. In addition all phased return programmes must be reasonable (taking into account the needs of the service), and in the event that the adjustments needed would result in a programme being deemed unreasonable the employee will be considered as unfit for work and will be required to cover their absences via a GP fit note where that absence is likely to exceed one calendar week.

All phased return programmes will be time-limited and will normally not exceed a period of four weeks. In exceptional circumstances with a recommendation from OH/a medical expert, a Chief Officer may extend this programme at the request of a Manager. The Manager must submit to the Assistant Director written information advising as to what continued adjustments are required, for how long those adjustments will be required and why it is believed the adjustments will assist the employee to return within a reasonable period of time to full time hours and duties.

During the first four weeks of a phased return programme the employee will receive their full pay entitlement. If the phased return programme is extended beyond the four weeks the Chief Officer will have the discretion on whether this will be at full pay or whether the employee will only be paid for the hours which they work. In these circumstances the manager will be required to complete an employee change form to temporarily reduce the employee's hours of work.

During the period of a phased return programme, the employee's line manager must regularly meet with the employee to discuss their progress and to identify any problems/issues.

11. Absence Trigger Points

11.1 Short Term Absence / Trigger point

The trigger point for short term absence is where an employee has:

3 spells of absence in a rolling 6 month period

In order to monitor short-term sickness absence it is essential that accurate records are kept and reviewed regularly to ensure that all cases are considered. Concern may be caused by such factors as the number of occasions, the pattern or the total number of days.

Where intermittent absenteeism due to ill-health is involved, the emphasis is on undertaking a fair review of the level of absence and the reasons for it.

On each occasion when an employee returns from sickness he/she will be seen by their line manager informally on a one to one basis. This meeting should ideally take place at the start of the day the employee returns to work

and should not be delegated to the nominated officer/another officer except in exceptional circumstances. The purpose of the meeting is to:

- see the employee on his/her return to work to show a genuine interest in their wellbeing and to ask how they are;
- check that they are feeling sufficiently fit to carry out their duties;
- explain what actions/events have taken place in their absence which have had an impact on their work/workload to “bring them up to speed”;
- offer assistance if required. In particular, managers should promote the take up of Carer Leave or other authorised time off facilities by staff whose absence may be linked to personal/domestic problems;
- If there is any suggestion of a work related absence, the causes of this must be discussed and solutions sought.

These discussions will be recorded in writing. A copy of the outcome of the discussion will be given to the employee.

Where the manager is becoming concerned about the level or pattern of absence or has concerns about the health/welfare of an employee, he/she should advise the employee of this concern and discuss ways to improve the situation, which may include encouragement to seek medical attention either through their own GP or the Council’s Occupational Health Service. Similarly if there is an underlying work problem the manager should encourage the employee to discuss his/her concerns so that they can be addressed.

Frequent spells of short term sickness absence can quickly result in an employee building a poor attendance record. Managers should monitor this type of absence and to assist in this process the manager will receive formal notification from their admin. officer in the form of a sickness absence report showing cause of absence, start and finish dates where an employee hits the trigger point

Where an employee has returned to work after a period of sickness absence and it becomes apparent within the next 3 calendar days that they are still unfit to be at work the manager can link the sickness absences together when considering sickness absence trigger points as long as both sickness absences are related to each other.

In every case where the manager identifies or receives notification that an employee has hit the trigger point, the Absence Review procedure as set out below in section 12 must be followed.

11.2 Sporadic Absence / Trigger points

The Sporadic sickness absence trigger point is where an employees has lost **ten or more working days in a rolling year period (in 2 or more separate absences).**

In some instances sporadic sickness absences can be a cause for concern and these sickness absences should be tackled at an early stage to ensure there is no underlying issue which could be affecting the employee’s attendance.

Where the manager identifies or receives notification from HR that an employee has hit the trigger point, the Absence Review procedure as set out below in section 12 must be followed.

12. Short Term/ Sporadic Absence Reviews

These reviews should be carried out separate to return to work interviews.

12.1 Counselling and Support Interview

Regardless of the nature, length or features of any absence, a Counselling and Support Interview must be conducted by the line manager with every employee who hits short term/ sporadic trigger point. Apart from the role a Counselling and Support Interview plays in managing absence, they are an essential part of employee management. The nature of the absence interview will vary depending on the length of the absences, the nature or cause of the absences, the likelihood of any further absences (for further treatment for example), and the employee's previous absence record.

In conducting the Counselling and Support interview, managers should have regard to the following general points:

- do not avoid the problem;
- keep alert to catch any absence problem early;
- do not conduct an Absence review without records of absence;
- arrange to use a private room where there will be no interruptions;
- welcome the employee and put them at their ease;
- ask how they are;
- go through their absence record with them;
- establish if there is any pattern to their spells of absence;
- ask if they are receiving any medical treatment;
- consider whether any medical condition may fall within the definition of a disability under the terms of the Equality Act;
- ask if there is anything wrong at work which is contributing to their absence record;
- ask what support they need;
- give them an opportunity to state anything else which they feel is of relevance;
- consider whether referral to the Council's Occupational Health Service may be appropriate at this stage;
- advise them that, should they exceed the trigger point again within the next 12 months, they may become subject to a Formal Absence Review Meeting, Stage 1 of this policy.

As this meeting is an informal absence interview, the employee is not entitled to be accompanied by a trade union or work colleague.

The Counselling and Support Interview should in all instances be formally recorded. A pro-forma is available for this purpose and there is a check-box on the Sickness Absence Report form for managers to confirm the interview

has taken place. The form should also include what steps are to be put in place to assist the employee to achieve a better standard of attendance. Reasonable targets should be set taking into account the employee's reasons for sickness and their sickness record. A copy of the completed Interview form must be sent to HR for monitoring purposes. A copy should also be given to the employee and be counter signed by the employee.

12.1.2 Improvement in sickness record in line with the action plan

If an employee meets the agreed actions and targets as set out in the agreed action plan developed at this stage, the Manager should acknowledge this with the employee, verbally and confirm that in writing ensuring the employee understands that their absence will continue to be monitored and that this improvement must be sustained for a 12 month period. That 12 month period will run as from the date of the initial Counselling and Support Interview meeting taking place. The employee should be informed that if during that 12 month period the absence level deteriorates then the Manager may recommence sickness monitoring procedures at Stage 1 of this policy, depending upon the level of absences and the reasons for such.

12.2 Stage 1 – Formal Short Term/ Sporadic Absence Review Meeting

If a Counselling and Support Interview has been held and there has been no improvement in line with the agreed action plan timescales, a Stage 1 formal absence review meeting should be held.

A Stage 1 meeting could result in a First Improvement Target being issued, depending upon level of absenteeism and/or failure to comply with this Sickness policy.

This formal meeting will be conducted by the employee's Manager. A representative from HR will also be in attendance as adviser and the employee will have the right to be accompanied to this meeting by either a trade union representative or work colleague.

The Manager must give at least 5 working days notice of the meeting, confirming to the employee, in writing, the following:

- The date, time and venue of the meeting;
- Details of the absence;
- Provide the employee with copies of all relevant documents, such as up to date sickness absence record, notes and any correspondence arising from any previous meetings held under this policy if applicable and notes from any back to work interviews and/or medical reports if appropriate;
- The purpose of the meeting and its possible consequences;
- His/her right to representation from either a trade union representative or work colleague;
- The procedural arrangements for the meeting;
- Provide a copy of this sickness policy;
- Confirmation that any requests to submit additional evidence by the employee must be made at least 48 hours prior to the meeting. Requests for later submissions will be entirely at the discretion of the manager.

12.2.1 Purpose of the meeting:

The purpose of the meeting is to consider and review:

- The employee's sickness record;
- The reasons why the employee has failed to meet the required levels of attendance;
- What action should be taken to assist the employee to improve his/her attendance;
- Whether a First Stage Improvement target should be given;
- Set targets for what level of attendance is required moving forward;
- Warn the employee of what action may be taken if he/she fails to reach or sustain any targets set

12.2.2 Medical Evidence

In cases of sporadic sickness absences, the Manager should consider whether an Occupational Health referral and/or other appropriate medical evidence should be obtained in order to assess whether or not there is any underlying medical reason for the absences.

In cases of long-term absence, medical evidence must be available prior to the meeting taking place. Medical evidence should be as up to date as possible. Unless there are exceptional circumstances, an up to date Occupational Health report should be obtained prior to any meeting taking place. The Occupational Health report should not be older than 3 months at the time a meeting takes place

Within five working days of the meeting taking place, the Manager must confirm to the employee, in writing, the outcome of the meeting. The employee should be informed that a failure to improve their attendance could ultimately lead to dismissal under this policy.

It is essential that an employee's progress is continually monitored. If the employee's record continues to worsen following any review meeting the manager should consider whether or not it is appropriate to move to Stage 2 of this Policy.

12.2.3 Improvement in sickness record in line with the action plan

If a formal absence review meeting has been held and there has been significant improvement in line with the agreed action and timescales, the Manager should acknowledge this with the

employee, verbally and confirmed in writing, ensuring the employee understands that their absence will continue to be closely monitored and that this improvement must be sustained for a 12 month period running from the date of the initial Stage 1 meeting. The employee should be informed that if during that 12 month period the absence level deteriorates then the Manager may begin sickness monitoring procedures at Stage 2 of this policy.

12.3 Stage 2 – Formal Short Term/ Sporadic Absence Review Meeting

If a formal meeting has been held under Stage 1 and there has been no improvement in line with the agreed action plan and timescales, a Stage 2 formal absence review meeting should be held.

The procedure for the meeting is as per the Stage 1 meeting.

12.3.1 Improvement in sickness record in line with the action plan

If a formal absence review meeting has been held and there has been significant improvement in line with the agreed action and timescales, the Manager should acknowledge this with the employee, verbally and confirmed in writing, ensuring the employee understands that their absence will continue to be closely monitored and that this improvement must be sustained for a 12 month period running from the date of the initial Stage 2 meeting. The employee should be informed that if during that 12 month period the absence level deteriorates then the Manager may begin sickness monitoring procedures at Stage 3 of this policy.

12.4 Stage 3 – Formal Short Term/ Sporadic Absence Review Meeting

A Stage 3 Formal Short Term/ Sporadic Absence Review Meeting will be held when:

- a formal meeting has been held under Stage 2 and there has been insufficient improvement in line with the agreed action and timescales;

A Stage 3 Meeting could lead to a dismissal and no employee will be dismissed from the Council on grounds of ill health without up to date medical evidence first being obtained to assess the employee's fitness for work or redeployment to another role and/or to assess the employee's eligibility for ill-health retirement.

HR must be notified regarding the need for a Stage 3 Meeting and any relevant medical evidence must be obtained prior to the Meeting. HR will appoint an Assistant Director or Director as presiding officer.

The Assistant Director/Director must give at least 10 working days notice of the Meeting, confirming to the employee, in writing, the following:

- The date, time and venue of the meeting;
- The reason for the meeting;
- That the meeting could result in dismissal on grounds of ill-health;
- Provide the employee with copies of all documents to be relied up on at the meeting;
- Copies of up to date medical evidence must be given to the employee;
- His/her right to representation from either a trade union representative or work colleague ;
- Provide a copy sickness absence policy;

- Confirmation that any requests to submit additional evidence by the employee must be made at least 48 hours prior to the meeting. Requests for later submissions will be entirely at the discretion of the Presiding Officer.

12.4.1 If it is established that an individual could return to their full duties, and/ or due to ill health they could return but with amended duties/ hours, the following measures will be considered:

- Reversion back to Stage 2 of this policy for further monitoring against an agreed action plan with timescales in addition to:
 - A return to full duties with regular monitoring and/or other recommendations
 - a return to duty on reduced hours and/or lighter duties for an agreed period (where this is feasible and where the employee agrees such);
 - redeployment within the department or elsewhere within the Council (where opportunities exist at the time of the meeting and where the employee agrees such);

12.4.2 If it is established that an individual is unable to fulfil the terms of their contract of employment because of ill health, the following measures will be considered:

- early access to pension on the grounds of ill health;
- termination of employment (if early access to pension or redeployment is not available).

12.4.3 Improvement of attendance following a Stage 3 meeting

If a formal absence meeting has been held and the targets have been reached in line with the agreed action and timescales, the Manager should acknowledge this with the employee, verbally and confirmed in writing, ensuring that the employee understands that their absence will continue to be closely monitored and that this improvement must be sustained over a 12 month period as from the date of the Stage 3 meeting. The employee should be notified that a failure to improve to a satisfactory standard will result in Stage 3 of the procedure being re-invoked, which could result in dismissal.

13. Long-Term Absence

Long-term absence reviews differ from those for short term absence.

Long term sickness absences is any period lasting 15 days or more (3 working weeks).

It is important that when carrying out long term review meetings each case should be reviewed on a case by case basis. In addition Managers must maintain regular and appropriate contact with employees who are absent from work due to sickness and if appropriate give them the opportunity to keep in touch with their team if they wish to.

Long-Term - Counselling and Support Interview

If an employee's absence has reached 15 days, the manager will arrange an informal long term absence review meeting as soon as possible.

The purpose of the meeting is to discuss and review:

- A. The employee's current absence , and any health update from the employee
- B. Whether an occupational health report is necessary (as a general rule any absence lasting longer than 3 months should be referred to OH)
- C. The anticipated period of the absence / projected return to work date (if possible)
- D. Any adjustments which could facilitate the employees return to work;
- E. What action could be taken to assist the employee to improve his/her attendance (ie Support, Counselling, Physio etc)

Depending on the employees' health prognosis, it may be possible to discuss and agree a return to work plan. If however the employee remains unfit to work regular contact between the employee and managers should be maintained throughout the absence.

Long-Term – Stage 1 Formal Absence Review Meeting

After 6 weeks of absence the employees manager will have the option to move to a stage 1 long term formal review meeting, and a further discussion will take place regarding their fitness to work, possible return, and ways the Council can support the employee (further exploring points A-E as outlined above)

Long-Term – Stage 2 Formal Absence Review Meeting

After 3 months absence the employees manager will have the option to move to a stage 2 long term formal review meeting, and a further discussion will take place regarding their fitness to work, possible return, and ways the Council can support the employee (further exploring points A-E as outlined above)

Consideration of the impact of the employee's absence on the service will be considered and whether the absence can be sustained.

A possible outcome of a Stage 2 long term absence meeting is that the employee will be invited to a Stage 3 long term absence meeting.

Long-Term – Stage 3 Formal Absence Review Meeting

A Long term Stage 3 Formal Absence Review Meeting will be held in the event that following a long term sickness absence, medical advice is that there is doubt about the potential for the employee to return to work within a reasonable time period.

The stage 3 meeting will be the last opportunity to consider the likely length of your ongoing absence and whether or not any steps can be taken to assist the employee in returning to work (such as a phased return, amended job duties, altered hours of work, workplace adaptations or temporary or permanent redeployment).

HR must be notified regarding the need for a Stage 3 Meeting and any relevant medical evidence must be obtained prior to the Meeting. HR will appoint an Assistant Director or Director as presiding officer.

The Assistant Director/Director must give at least 10 working days notice of the Meeting, confirming to the employee, in writing, the following:

- The date, time and venue of the Meeting;
- The reason for the Meeting;
- That the Meeting could result in dismissal on grounds of ill-health;
- Provide the employee with copies of all documents to be relied upon at the Meeting;
- Copies of up to date medical evidence must be given to the employee;
- His/her right to representation from either a trade union representative or work colleague ;
- Provide a copy sickness absence policy;
- Confirmation that any requests to submit additional evidence by the employee must be made at least 48 hours prior to the Meeting. Requests for later submissions will be entirely at the discretion of the Presiding Officer.

If it is established that an individual is unable to fulfil the terms of their contract of employment because of ill health, the following measures will be considered:

- early access to pension on the grounds of ill health;
- Dismissal / termination of employment (if early access to pension or redeployment is not available).

No employee will be dismissed from the Council on grounds of ill health without up to date medical evidence first being obtained to assess the employee's fitness for work or redeployment to another role and/or to assess the employee's eligibility for ill-health retirement.

III-Health Retirement

An employee who has completed at least 2 year's membership of the Local Government Pensions Scheme (or has brought a transfer value in the Local Government Pension Scheme) may be eligible for ill health retirement.

In accordance with the Council's Pension Policy Statement, the Council will investigate whether the reasons for retirement is on ill health grounds as laid out in the LGPS regulations and obtain a certified opinion from a registered independent medical practitioner. The decision as to which if any award will be

made will be made by the Chief Executive and Town Clerk or Director of Resources.

14. Appeal Procedure

An employee who wishes to appeal against a decision to dismiss should inform the HR Manager, in writing, within five working days of the date of the letter notifying them of the sanction. The employee must state in the letter the reason for the appeal.

The HR Manager will arrange for the appeal to be heard and this will normally take place within 28 days of the date of receipt of the reasons for the appeal.

Appeals against a dismissal will be heard by a Members Appeal's Panel. A representative from Legal or HR will be present to support the Appeal's Panel.

The Appeal Panel may overturn the decision but do not have the authority to re-instate. This decision will rest with the Director who will have the option to:

- Re-instate; or,
- Re-engage in an alternative capacity.

In making this decision the Director should take into consideration the likelihood of industrial strife and any distrust between parties which may make re-integration into the workforce impossible. Where this is believed to be the case the matter must be referred to HR or Legal to determine a way forward.

15. Sick Pay

The Council applies the sickness pay scheme contained in the National Agreement on Pay and Conditions of Service (Green and Red Book).

15.1 Notification of Sick Pay Entitlement

The Payroll Section will advise employees in writing of the dates entitlements will expire.

15.2 With-holding Sick Pay

The Council will not unreasonably refuse sick pay and before any decision is made to refuse such, the Manager must investigate the facts and take advice from HR. Sick Pay will not be withheld without the Manager investigating directly with the employee their reasons for any alleged breach. The Council may however refuse to pay Green or Red Book sick pay entitlement in the following circumstances:

- Where the employee fails to comply with the reporting in procedure;
- Where the employee unreasonably refuses to allow the Council access to medical records;
- Where sickness is due to, or attributable to, deliberate conduct by the employee prejudicial to recovery;
- Where sickness is due to the misconduct or neglect by the employee;

- Where the injury was incurred whilst working in the employee's own time and on their own account for private gain or where working for another employer.

Employees may request consideration from their Director for their full or half pay entitlement to be extended in accordance with the Council's Discretionary Sick Pay Policy (appendix 1).

16. Annual Leave Entitlement

If an employee is unable to take annual leave as a result of sickness absence either:

- Because they have been away from work on sick leave, or
- Because on return to work it was not possible to authorise the employee to take all their leave.

The employees will accrue holiday entitlement at 5.6 weeks in accordance with the working time regulations, less any leave already that the employee has taken during their leave year.

Entitlement can be carried on to the next year with the agreement of their line manager in conjunction with advice from HR. Managers should not unreasonably refuse employees the opportunity to reschedule their leave or carry over the balance of such.

17. Confidentiality

Managers will need to maintain confidentiality in relation to employee's and their reasons for sickness absence. Reasons for sickness absence should not be discussed with other employees unless there is a specific need for that employee to be made aware of such, e.g. a Team Leader who may need to make reasonable adjustments for the employee upon their return to work.

All documents in relation to an employee's sickness absence should not be left out in the open for other employees to see but must be maintained in a safe and confidential location.

18. Policy Review

The content of this Policy and associated document, and its effectiveness will be subject to a review every 3 years or earlier if required.

**Human Resources
June 2017**

Approving Body & Date
2018

Discretionary Extension of Sick Pay (Appendix 1)

1. Introduction

The National Agreements on Pay and Conditions of Service for both Single Status and Craft Employees include a provision for Authorities to exercise discretion to extend the period of sick pay in exceptional circumstances.

2. Sick Pay Entitlement

Employees are entitled to receive sick pay when unable to work through illness, starting from one month's full pay in the first four months of service and rising to six months' full pay and six months' half pay after 5 years of service. Sick pay is paid on a rolling 12 month basis, i.e. any absence in the previous 12 months is deducted from the entitlement.

There is a separate entitlement for payments if the absence is the result of industrial disease, accident or assault arising out of work.

3 Discretion

3.1 Chief Officers will have discretion to grant extensions of sick pay in the following circumstances:

a) There will be no extension of full pay where an employee has received the full 6 month entitlement at full pay.

b) There is a presumption that there will be no extension where an employee has received 6 months at half pay unless:

- there is an agreed date of return and return to work programme in place at the time that the request is considered
- they are on a waiting list for or undergoing hospital treatment, which in the opinion of the Council's Medical Adviser, will result in a definite return to work within a reasonable timescale
- the employee has submitted and is awaiting a decision on an application for access to their pension on the grounds of ill health
- the employee is in the final stages of a terminal illness and it is agreed with the employee that an extension would be in his/her best interests financially.

The extension in this case will be up to a maximum of three months at half pay which could be decided on a month by month basis, or the actual end of the sick leave period, i.e. the employee returns to work or their employment with the Authority ends.

c) Employees whose entitlement to full pay is less than 6 months, either because they have insufficient service or because they have had previous occurrences of sickness absence in the previous 12 months may be considered for an extension to their sick pay if:

- there is an agreed date of return and return to work programme in place at the time that the request is considered

or

- they are on a waiting list for or undergoing hospital treatment, which in the opinion of the Council's Medical Adviser, will result in a definite return to work within a reasonable timescale

In this case, the extension may be granted up to a maximum of 6 months full pay, which may be determined on a month by month basis. This would be followed by their actual entitlement to half pay, if required e.g. an employee in their third year of service would normally have an entitlement to 4 months full pay and 4 months half pay - the discretion would be to increase this to 6 months full pay and 4 months half pay.

d) Where an employee has been diagnosed as being terminally ill, there could be an extension of sick pay up to the maximum permitted under the scheme, but the employee would not be dismissed following expiry of paid sick leave unless by mutual agreement, e.g. a decision taken to access pension entitlement because of ill health, as an employee on unpaid sick leave would still be entitled to death in service benefits, pension etc.

However, it is suggested that employment be sympathetically terminated if the employee is not in the Pension Scheme as there would be no financial reason for employment to continue.

e) It is not recommended that discretion should be exercised on the basis of hardship, since this would effectively mean that the employee should be means tested in relation to their family income and would require a definition of what constitutes 'hardship', which could be highly contentious. The requirement for evidence could also be seen as intruding into personal and confidential matters.

As the provision is discretionary, there would be no right of appeal against a decision.

Human Resources
April 2015
Reviewed March 2017

Approving Body & Date
JCC

Executive

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23. Absence Management Policy

Ali Thacker, HR and Payroll Team Leader:

- presented the report for consideration by committee on the proposed revisions to the Absence Management Policy
- explained that the Human Resources team proposed to introduce a revised Absence Management Policy (previously Sickness Policy). The revisions included a revised approach to manage long term absence. These changes had been discussed and agreed with the trade unions.
- Stated that the Human Resources team were required to continually review and streamline the Council's policies and procedures as and when required to ensure they were clear, cohesive, fit for purpose and legally compliant.
- highlighted that although the Council sickness rate continued to reduce slightly compared to previous years, the proposed changes were designed to approach the management of long term absence in a different manner. This was to ensure there was no perception through the policy, that the manager was putting pressure on the employee to return to work earlier than necessary.
- Invited members comments and questions.

RESOLVED that the content of the report be noted and referred to Executive for approval.

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