



RESOURCES COMMITTEE

8 November 2018

PRESENT:

Directors

Mick Davison (Chair)
 Sheila Boutieh
 Elizabeth Bird
 Robert Buckley
 George Clark

Advisers

Neil Bouch	Interim Managing Director
Marie Roe	Director of Business and Development
Debbie Worrall	Human Resources and Governance Manager
Martin Poulter	Business, Performance and Customer Services Manager
Russell Urwin	Compliance Manager
Suzanne Coulthard	Finance Business Partner
John Turvey	Finance Business Partner
Stuart Gibson	Governance and Risk Lead

Apologies

Michael Hood
 Tracy Harrison

27 MINUTES

The minutes of the meeting of the committee held on 6 September 2018 were approved as a correct record.

28 HUMAN RESOURCES UPDATE – SECOND QUARTER 2018/19

The committee received an update on human resources initiatives and developments for the second quarter 2018/19.

The total sickness absence for the period was 3,732.5 days which equates to 5.05 days per FTE (full time equivalent). Short term and long term absence for the period was 0.77 (132 employees) and 4.28 days (68 employees) FTE respectively. Overall absence for the quarter represents a 5% total loss of productivity.

There were three main causes of absence, musculoskeletal (1,255 days), mental wellbeing (952 days) and post-operative (849 days). Of the 952 days lost due to mental wellbeing, 718 days were reported as non-work related (26 of the 34 employees).

Sickness absence had increased by 8% when compared to the same quarter last year and by 6% when compared year to date for the same period last year. During the quarter, managers and supervisors were required to attend absence management workshops. Managing stress and wellbeing workshops were also delivered throughout the quarter.

The committee made the point that employees in Property and Assets would do a lot more lifting so would be more prone to musculoskeletal related absences. It was noted that the employees were receiving appropriate training. The aging workforce in the trades was an issue though. The committee felt that it could actually present an opportunity through workforce planning to increase apprentices. By way of example the committee noted that the company had already appointed six apprentices this year and was in the process of appoint two Level 3 apprentice joiners as part of workforce planning.

At the request of the joint trade unions, the absence management procedure had been reviewed, and updated procedure with key changes highlighted was submitted. GMB was satisfied with the proposed amendments. GMB and Unite were disappointed that “normally” remained in the revised policy and requested that this be replaced with “discretionary”.

The committee made the point that the policy still referred to Keelman House. It was agreed to update this before the policy was submitted to the Board for approval.

The existing absence management policy did not provide timescales to hear appeals. In consultation with the joint trade unions, an appeals procedure summarising the key aspects including timescales to hear appeals, had been developed. A copy of the new procedure was submitted.

GMB and Unite expressed disappointment that there was no mechanism included within the appeals procedure to appeal the outcome of the absence management appeal. It was noted however that when an employee had exhausted the absence management process and this resulted in a dismissal, there was a further right to appeal directly to Resources Committee.

The committee felt that they should only be hearing appeals against dismissal and for grievances. It was noted that there were a number of steps in the procedure before dismissal. It was further noted that to date no employee had ever been dismissed under procedure 1 of the absence management policy.

A Recruitment and Selection Policy was currently being developed and would be presented to the committee in January 2019. It was agreed to include recruitment training for Board Members in the policy.

The NJC pay agreement for 2018-20 included the introduction of a new pay spine on 1 April 2019. It was noted that the Finance Manager had pulled together three options around this to present to the Council. Any additional costs would be included in the Management Agreement with the Council.

The committee also received updates on managing sickness absence, work life balance, employee relations, recruitment, learning and development, management development, the Apprenticeship Levy and review of Employee Handbook.

- RESOLVED – (i) That the committee is satisfied with the Human Resources update.
- (ii) That the Board be recommended to approve the updated absence management procedure (subject to the one minor amendment outlined above), which is attached at Appendix 1 to these minutes.
- (iii) That the Board be recommended to approve the appeals procedure, which is attached at Appendix 2 to these minutes.

29 MANAGEMENT ACCOUNTS – SECOND QUARTER 2018/19

The committee received an update on the management accounts for the second quarter 2018/19.

The overall position for the company projected an overspend against the annual budget of £613,000. Following corrective action that was reported to Board on 20 September 2018, efficiencies of £455,000 had been identified to reduce the overspend position, £130,000 management and supervision and £325,000 repairs and maintenance, leaving a further £301,000 yet to be identified in repairs and maintenance. The Capital delivery team was projecting an efficiency target. This was subject to monthly review linked to turnover.

The management and supervision accounts showed an overall underspend for the second quarter of £13,000. This was an improvement of £173,000 since the first quarter.

At the end of September, it was projected that repairs and maintenance delivery would overspend by £626,000 (3%) at the end of the year, an increase of £84,000 since the first quarter, this compared to £328,000 (1.5%) at this point in 2017/18.

There was a 15% increase on the number of repairs carried out which accounted for some of the overspend. The number of voids completed were also 15% higher than the same period last year. The committee needed to have a better understanding of what areas were increasing demand, whether any of these were avoidable and if so what the impact would then be on the budget. The committee felt that this information was needed as a matter of urgency in order to determine whether the company had a reasonable case to take back to the Council that it was genuinely doing more work.

The capital delivery accounts showed an efficiency of £226,000 for the second quarter in comparison to the budget for the year of £860,000. This compared to £569,000 in the same period last year.

The required efficiency target equates to 5% of the budget allocated by the Council to deliver the capital schemes.

The committee expressed concern that only 16% of the capital programme had been delivered to date. The Finance Business Partner was confident that the delivery of other schemes would bring the programme back into line.

The Company was required by HMRC to publish invoice payment performance every six months, this was being monitored monthly. At the end of the second quarter on average 90.72% of invoices had been paid within 30 days. This included invoices paid by TGHC direct, Exchequer Services and E-invoicing.

- RESOLVED – (i) That the financial management of the Revenue, Repairs Delivery and Capital Delivery budgets for the first quarter of the 2018/19 financial year be noted.
- (ii) That the Finance Business Partner provide as a matter of urgency a breakdown of the areas where demand has increased in repairs.
- (ii) That the committee place on record its thanks to Suzanne Coulthard who was attending her last meeting as Finance Business Partner.

30 PERFORMANCE AND SERVICE STANDARDS – SECOND QUARTER 2018/19

The second quarter of Performance Indicator and Service Standard results for 2018/19 were reported.

There were currently 12 Key Performance Indicators that were reported to this committee on a quarterly basis. At the second quarter: -

- Two indicators were traffic lighted green. This showed that the annual targets had been achieved for these indicators
- No indicators were traffic lighted amber.
- Five indicators were traffic lighted red. This showed that the target set had not been met and performance had decreased compared to the previous year.
- The five remaining indicators were not measurable and were all set with a baseline target for 2018/19.

The committee requested a detailed report at the next Board Meeting on Universal Credit.

- RESOLVED – (i) That the committee is satisfied Performance Indicator results for the second quarter 2018/19.
- (ii) That a report be presented to the next meeting of the Board on Universal Credit.

(Mick Davison declared an interest in this matter due to the work that he does around welfare reform with the North East Credit Union).

31 HEALTH, SAFETY AND ENVIRONMENTAL UPDATE – SECOND QUARTER 2018/19

The committee received an update on the following health and safety activities for the second quarter 2018/19: -

- Performance monitoring
- Delivery activity

- Accidents/incidents and near misses
- RIDDOR Over 7 Days and Dangerous Occurrences
- Other significant health and safety issues

An update on progress meeting the outstanding recommendations in the health and safety action plan was submitted. The committee expressed concern that most of the updates were incomplete and did not provide any timescales of when the actions would be completed. It was noted that the actions had been agreed over 18 months ago and the outstanding actions were now dependent on the compliance issues that had since been identified. It was agreed that a 2018/19 action plan be produced that picked up the outstanding actions and health and safety issues identified during the compliance review.

In respect of the 127 live inspections that had been undertaken, it was noted that as part of the compliance review a system was being put in place by business assurance to give the company more certainty.

The committee requested that future reports provide a summary of the near misses and any learning from them.

The committee was advised that the company had learnt from the gas leak that occurred in tenanted property on 18 July 2018.

It was agreed that the next report reflect the fact that an annual review of the fire risk assessments for the multi-storey blocks was due and the committee would require an update on how these were progressing.

The committee was informed that the Board would be provided with a copy of the debrief report following the fire at Regent Court once it had been through the Council's governance process.

- RESOLVED – (i) That the health and safety update be noted.
- (ii) That the committee's concerns regarding the outstanding actions in the health and safety action plan and the agreed course of action be noted.

32 EQUALITY AND DIVERSITY UPDATE – SECOND QUARTER 2018/19

The committee received a summary of the following equality and diversity work within the company during the second quarter 2018/19: -

- Knowing Our Customers
- Equality, Diversity and Inclusion Group
- Equality and Inclusion Framework
- Equality and Diversity at Work training
- Community Investment
- Summary of activities
- Future activity

RESOLVED – That the committee is satisfied with the progress activity relating to equality and diversity carried out in the second quarter 2018/19.

33 DATE AND TIME OF MEETINGS 2019

RESOLVED – That the following schedule of meetings be approved: -

- Thursday, 17 January 2019 at 2pm
- Thursday, 14 March 2019 at 10am
- Thursday, 9 May 2019 at 10am
- Thursday, 4 July 2019 at 10am
- Thursday, 5 September 2019 at 10am
- Thursday, 7 November 2019 at 10am

34 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED – That the press and public be excluded from the meeting during consideration of the remaining business in accordance with the indicted categories of the company's Access to Information Rules.

35 MINUTES (Category 1)

The minutes of the meeting of the committee held on 6 September 2018 were approved as a correct record.

36 APPEALS PANEL (Category 1)

The minutes of the Appeals Panel held on 17 September 2018 were submitted.

RESOLVED – That the minutes be noted.

37 TENDERS AND CONTRACTS OVER £50,000 (£100,000 FOR PROPERTY AND ASSETS) (Category 4)

The committee received an update on tenders and subsequent contracts entered into over £50,000 by the Company (£100,000 for Property & Assets) since last reported in September 2018.

There had been no contracts entered into over £50,000 other than by Property and Assets. Property and Assets had entered into 4 contracts over £100,000 since last reported totalling £579,679.98. All tenders and orders processed complied with the Contract Procedure Rules.

RESOLVED – That the contracts entered into to date above £100,000 be noted.



Absence Management Policy and Procedure

♥ Introduction and aims of the procedure

The company recognises that all cases are different and that a single, standardised procedure may not always address the unique issues of each individual case. The company aims to deal positively and sympathetically with employees who have medical conditions or injuries that affect their ability to work normally, whether or not they have taken sick leave.

This procedure is designed to assist employees who are absent from work due to illness, while also enabling the company to maintain effective staffing levels. We aim to deal fairly and reasonably with employees who have either frequent or extended periods of sickness absence. All employees should familiarise themselves with this procedure so that they know what is expected of them should they become ill.

This procedure should be read in conjunction with “Absence due to sickness – Frequently Asked Questions”

This procedure covers:

- Commencement and status of the procedure
- Rules for notifying the company of absences and keeping in contact
- Certification
- Return to work interviews
- Absence review procedures:
 - Procedure 1 - trigger levels – (absence review meetings and possible outcomes)
 - Procedure 2 – disability related (*as defined by the equality act 2010*) or are as a result of a critical illness - (absence review meetings and possible outcomes)
- Obtaining medical information
- Keeping records

♥ Commencement and status of the procedure

The following procedure will supersede the current sickness absence policy. The procedure does not confer any contractual rights.

Work Life Balance

Rules for notifying the company of absences and keeping in contact (Please note: the following milestones are elapsed days not work days.)

Failure to comply with the notification and contact requirements set out in this procedure may result in an employee not being eligible for company sick pay and, in some circumstances, Statutory Sick Pay. In addition, an employee's absence could be treated as unauthorised, which may result in disciplinary action.

Day 1:	<p>The employee must phone their line manager to report their absence within an hour of their usual start time. The employee must provide a reason for absence, state how long they expect to be off and whether they intend to seek medical advice, and provide a contact telephone number.</p> <p>If the employee is unable to make contact personally (in exceptional circumstances such as hospitalisation) they should get someone to do it on their behalf. The employee's advocate still must provide the information specified above, along with details of why the employee is unable to make personal contact.</p> <p>It is unacceptable to leave messages regarding an absence with colleagues or reception. It is also unacceptable to send text messages or e-mail informing of an absence. An employee must speak directly to their line manager or, in that person's absence, a member of the Human Resources Team.</p> <p>The Line Manager must complete the sick return reconciliation detailing the absence start date so that this can later be checked against the self-certification form. The sick return reconciliation must be submitted to the Human Resources Team by 2.00pm Monday of each week.</p>
Day 4:	<p>The employee must phone in to update their line manager. <i>If no contact is received, the line manager must contact the employee.</i></p>
Day 7:	<p>The employee must phone in and update their line manager. If it becomes clear at this stage that an absence has, or is likely to, become long term, the employees line manager will confirm that they expect the employee to maintain contact and keep the company informed of their progress on a weekly basis. This contact may involve the employee being asked to come into the workplace for an Absence Review Meeting.</p>
Day 8:	<p>See section on certification following.</p>
End of weeks 2, 3, 4:	<p>The employee must maintain contact with their line manager on a weekly basis. Unless specified this will be by telephone. The line manager and the employee will discuss the current illness, progress to date, likelihood of a return to work date, any assistance that can be provided, additional GP visits, organised treatment and agree the date and the time of the next contact call.</p>

Every four weeks ongoing:	<p>From this point onwards, the line manager must invite the employee in for a face-to-face Absence Review Meeting, to discuss the options available to help facilitate a return to work and to recap on the discussions that took place in the contact calls on week 2, 3 and 4 (as mentioned above).</p> <p>The line manager will arrange for an Occupational Health Review, and discuss and complete the referral form.</p>
Ongoing:	<p>The manager will initiate either Procedure 1 or Procedure 2 as specified below under the heading Attendance Review Procedures.</p>

Certification

In addition to notifying the company of an absence, if an employee's absence lasts for longer than 7 calendar days, they must provide a Doctor's Medical Certificate (now known as a 'fit note') to cover any absence from the 8th day onwards. A fit note must be sent to the Human Resources Team at Gateshead Civic Centre and be received by Day 8.

Providing satisfactorily completed fit notes, which run consecutively with no gaps in cover is an important aspect of this procedure. If an employee fails to provide one, they may not be eligible for company sick pay or, in some cases, Statutory Sick Pay. In addition, the company may treat their absence as unauthorised, which could result in disciplinary action being taken against them (up to, and including, dismissal). Similarly, if the employee delays telling the company that their GP has assessed that they 'may be fit for work' the company reserve the right to treat the absence as unauthorised.

The company welcomes suggestions from either the employee or their medical advisor which may help the employee stay in work despite their condition. The employee's manager will discuss the options with each employee. This is particularly relevant if the employee's GP has ticked the box on the fit note indicating that the employee 'may be fit for work' on the basis that certain temporary adjustments are made. In this instance the employee should telephone their manager immediately so that they can arrange an Absence Review Meeting to discuss the suggestions with the employee. It may not be possible to support all suggestions.

Unless the employee's manager has told the employee otherwise, they do not need a fit note to confirm that they are fit to return to work.

Employees can return to work **before if they feel well enough** or when their medical certificate expires without visiting the doctor again, unless they have been expressly told that the doctor wishes to see them before they return to work. This would normally be indicated on the employee's previous fit note.

On return to work employees should complete a self-certification ensuring the reason for absence is clearly documented (simply putting 'sick' or 'ill' is unacceptable).

♥ Return to work interviews

The line manager **must** hold a return to work interview on an employee's first day back at work to discuss the reason for absence and what has happened at work during the absence. If an employee does have any underlying problems or reasons that are causing them to take time off, this is a good opportunity to discuss them and explore what support or help the company may be able to offer.

The line manager must ensure that start and end dates, and cause of sickness (simply putting 'sick' or 'ill' is unacceptable), are checked and entered on to the front of the self-certification form, with interview notes entered on the back.

The Human Resources Team must attach the self-certification form and any associated fit notes/documentation to the employee's personal file or equivalent system so that they can be produced upon request.

♥ Right to representation

Employees have the statutory right to request to be accompanied to any formal Absence Review Meeting or appeal meeting under Procedures 1 and 2 (see below) by a fellow **colleague** or trade union official of the employee's choice.

The companion may address the meeting to put forward the employee's case, sum up the case or respond on the employee's behalf to any view expressed at the meeting. They may confer with the employee during the meeting but does not have the right to answer questions on the employee's behalf or address the meeting if the employee does not want them to do so, or prevent anyone, including the employee, from making their contribution to the meeting.

♥ Attendance Review Procedures

There are limits to the amount of absence that the business and colleagues can sustain. The company therefore monitors the absence levels of all employees and, where appropriate, will take action to bring about an improvement. Where it could help, the company may also consider whether there are any reasonable steps that could be taken to assist employees to improve their attendance levels.

We use 'trigger levels' to identify those employees with attendance records that give cause for concern. Absences will be dealt with under either Procedure 1 or 2.

At any time during Procedure 1, the company may, at its discretion, choose to move an employee into Procedure 2 for example if it becomes clear that the absence(s) are disability related (*as defined by the equality act 2010*), **the employee is receiving medical treatment which results in intermittent absence(s) which result in intermittent absence, hospitalisation**, or are as a result of a critical illness.

It is important that employees understand that trigger levels are not an entitlement to sickness absence and employees may be called to account for any level of absence.

The initial 'trigger levels' are as follows:

- four occasions of absence in the previous 12 month rolling period, or
- two or more periods of absence, the aggregate total of 15 working days in the previous 12 month rolling period, or
- an unacceptable pattern of absence.

Procedure 1

♥ First Improvement Notice

Should an employee's attendance record reach one of the above trigger levels, their immediate manager (along with a representative from the Human Resources Team) will hold an Absence Review Meeting with the employee to discuss their absence record, the reasons for **absence, what support has been offered to assist an employee improve their attendance at work.**

Although other outcomes are possible depending on the circumstances/reasons for the absences normally, reaching these trigger levels will result in **an improvement notice being issued to an employee.** For an understanding of the possible outcomes of such a meeting please refer to "possible outcomes of an absence review meeting" document.

♥ Second Improvement Notice

If, during the currency of the employee's first Improvement Notice, they

- are absent again on two or more occasions, or
- have one or more periods of absence, the aggregate total of which exceeds eight working days, or
- have an otherwise unacceptable pattern of absence

the employee's immediate manager (along with a representative from the Human Resources Team) will hold another Absence Review Meeting with the employee to discuss their absence levels, the reasons for **absence and explore what support has been offered to assist the employee improve their attendance at work.**

Although other outcomes are possible depending on the circumstances/reasons for the absences, normally reaching these trigger levels will result in a second improvement notice being issued to the employee. For an understanding of the possible outcomes of such a meeting please refer to "possible outcomes of an absence review meeting" document.

The employee will be informed that unless their sickness absence record improves and is maintained at an acceptable level then a final Improvement Notice may follow. If there is a substantial and lasting improvement in their attendance, then the second Improvement Notice will lapse after a period of 12 months. The employee will be notified in writing.

♥ Final Improvement Notice

If, during the currency of the employee's second Improvement Notice, they

- are absent again on one occasion, or
- have an otherwise unacceptable pattern of absence

the employee's immediate manager (along with a representative from the Human Resources Team) will hold another Absence Review Meeting with the employee to discuss the employee's absence levels, the reasons for **absence and explore what support has been offered to assist the employee improve their attendance at work.**

Although other outcomes are possible depending on the circumstances/reasons for the absences, normally reaching these trigger levels will result in a final improvement notice being issued to the employee. For an understanding of the possible outcomes of such a meeting please refer to "possible outcomes of an absence review meeting" document.

The employee will be informed that unless their sickness absence record improves and is maintained at an acceptable level, then dismissal may follow. If there is a substantial and lasting improvement in the employee's attendance, then this final Improvement Notice will lapse after a period of 12 months. The employee will be notified in writing.

♥ Dismissal

If during the term of the employee's final Improvement Notice, the employee is absent again, then the company will write to the employee asking them to attend an Absence Review Meeting to discuss the employee's absence levels and the reasons for it.

The employee's level of absence will be discussed at the meeting and may result in the employee being dismissed with notice. A decision to dismiss the employee will only be taken by the employee's Director or nominated deputy. The employee will be informed of their right to appeal.

Procedure 2 (absence(s) normally managed under procedure 2 are disability related as defined by the equality act 2010, **or employees receiving medical treatment, hospitalisation,** or are as a result of a critical illness)

Procedure 2 is aimed at employees who have an underlying medical condition which is disability related (as defined by the equality act 2010), **or are receiving medical treatment, hospitalisation,** or is of a critical nature and is preventing them from working normally, perhaps causing them frequent short-term absences or, alternatively, long-term periods of absence which is related to their condition.

Research shows that the longer an employee is absent due to sickness, the less likely it is that they will ever return to work, which is in no-one's interests. By maintaining open and frequent communication with employees whose ability to work normally is affected on a long-term basis and ensuring that relevant medical information is available to both parties, we hope to be in a better position to offer employees the assistance they need to get back to work earlier or improve attendance levels or productivity as appropriate.

This will involve actively considering possible rehabilitation measures with the employee on an ongoing basis.

Under Procedure 2, the company will therefore:

- keep the employee's absence(s) under review
- maintain frequent contact with the employee, as and when appropriate, which is likely to include monthly Absence Review Meetings, both to keep the company informed of the employee's progress and to keep the employee informed of what has been happening at work in their absence
- seek medical reports, which may also involve the employee attending one or more medical examinations with a doctor or other health professional appointed by the company
- identify and consider possible rehabilitation measures where appropriate, which might help an employee improve their absence record, productivity, or return to work earlier than might otherwise be possible, and/or
- keep any rehabilitation measures that we have implemented under review on an ongoing basis.

The employee's co-operation is required at all stages of Procedure 2, including the implementation of any rehabilitation measures. Given that the measures in Procedure 2 are aimed at enabling the employee to continue successfully in employment, a refusal to co-operate could affect the employee's future prospects of employment and their entitlement to company sick pay (if applicable).

Circumstances may arise where it becomes necessary to consider the employee's future prospects of employment with the company. If so the company will, where reasonably possible, hold an Absence Review Meeting with the employee to formally review the employees past and probable future pattern of absence.

This will take into account any medical advice and the likely success of any reasonable rehabilitation measures, as well as the needs of the business. The company write to the employee in advance of the meeting explaining why and when a meeting will be held. In some circumstances, for instance where there is no prospect of the employee being able to return to work within a reasonable period of time (a reasonable period of time would normally be within 12 months from the first day of absence).

The review may result in the person's employment being terminated with notice. A decision to dismiss the employee will only be taken by the employee's Director or nominated deputy. The employee will be informed of their right to appeal (see *appeal procedure*).

♥ Procedural steps

Other than in exceptional circumstances, the company will not issue a first, second or final Improvement Notice, or dismiss the employee under Procedure 1 or 2 without:

- Giving or sending the employee a letter confirming:
 - Why a meeting is being planned
 - The date, time and venue of the meeting

Work Life Balance

- The employee's attendance record, any relevant past Improvement Notices and possible outcomes of the meeting
- The employee's right to be accompanied by a fellow worker or trade union official
- Providing the employee with all relevant information prior to the meeting, including up-to-date medical report(s)
- Giving the employee, together with any permitted trade union official or fellow worker a reasonable opportunity to consider the employee's response to that information, and
- Explaining the company's position at the meeting and giving the employee an opportunity to put their case forward.

The company will confirm the outcome of any Absence Review Meeting where a first, second, final Improvement Notice or dismissal is considered in writing.

Employees dissatisfied with such outcomes can appeal the decision. Any appeals should be in writing and should be delivered in accordance with the following:

Appeals against a decision made by:	Appeals against decision taken:	Letter of appeal must be submitted within:	Letter of appeal must be e-mailed to:	Your appeal will be heard by:
Immediate manager or the nominated deputy (of the appropriate level)	Level 1, Level 2 or final Improvement Notice	*Ten working days of receipt of your letter	appeals@gatesheadhousing.co.uk	Head of Service or nominated deputy
Head of Service or nominated deputy	Level 1, Level 2 or final Improvement Notice	*Ten working days of receipt of your letter	appeals@gatesheadhousing.co.uk	Director or nominated deputy
Director or nominated deputy	Level 1, Level 2 or final Improvement Notice Dismissal	*Ten working days of receipt of your letter. *Ten working days of receipt of your letter	appeals@gatesheadhousing.co.uk	Managing Director or nominated deputy Representatives from the Resources Committee

**Please refer to the Appeal Procedure for further information on the appeal process*

All formal Absence Review Meetings and appeals will be held at a reasonable time and place. An employee who has been invited to attend a formal meeting or appeal must take all reasonable steps to attend the meeting. The company will not unreasonably delay any formal step of Procedures 1 and 2.

The employee will have the statutory right to request to be accompanied by a fellow **colleague** or trade union official of the employee's choice to any formal Absence Review Meeting or appeal under Procedures 1 and 2.

The companion may address the meeting to put forward the employee's case, sum up the case, or respond on the employee's behalf to any view expressed at the meeting. They may confer with the employee during the meeting but do not have the right to:

- Answer questions on the employee's behalf or address the meeting or hearing if the employee does not want them to do so, or
- Prevent anyone, including the employee, from making their contribution to the hearing.

♥ **Obtaining medical information**

The company may at any time ask an employee to attend and participate in a medical examination with a company-nominated doctor or other health professional, or ask for an employee's permission to seek a medical report from their own doctor. This is to enable the company to get a clear picture of the employee's capabilities, diagnosis and prognosis. This information may be used to consider and implement measures aimed at assisting the employee to reduce their absence levels or return to work and/or to comply with our health and safety obligations. It may also be taken into account when making decisions about an employee's future employment.

If an employee does not cooperate in providing medical information, they should be aware that the company will have to consider their case, and this includes a decision such as whether or not their employment should be terminated on the basis of the information available to the company. The employee may also lose their eligibility for company sick pay.

♥ **Requesting paid holiday during sickness absence**

If an employee is absent on long-term sick, they can apply to take some or all of their outstanding statutory holiday entitlement. They must complete a holiday request form in the normal way. The company reserve the right to refuse their request. The company will not normally accept a request where the employee will have time left in the holiday year on their return to work to take the outstanding leave entitlement. The company will not accept a request to take a short period of holiday to cover short-term sickness absence.

♥ **Keeping records**

The company will keep records of any action taken under this policy. These will be treated as confidential.



Absence Management Policy and Procedure

Right of appeal – Improvement Notice issued in line with the Absence Management Policy and Procedure

You have the right to appeal against an Improvement Notice issued in line with the Absence Management Policy.

Following receipt of the Absence Review Meeting outcome letter you must lodge your appeal in writing within 10 working days.

The appeal should be e-mailed to appeals@gatesheadhousing.co.uk and an acknowledgement will be issued to confirm receipt.

The appeal must include the full reasons for the appeal.

The specific grounds for appeal are:

- finding or outcome was unreasonable
- emergence of new evidence which could have material effect on the outcome
- terms of a notice for improvement are unreasonable
- unfair, incorrect application or breach of the policy which could have had material effect on the outcome.

The grounds for the appeal should include a clear explanation, “outcome unreasonable” will not be accepted as a reason. If the grounds are unclear you will be asked to clarify the specific reasons.

Invitation to an appeal meeting

Appeals will be heard within 20 working days of submission unless mutually agreed.

You will receive an invitation to an appeal meeting in writing from the chair.

Alternative date

If you or your representative or companion are not available at the date or time specified by the chair, you may propose an alternative date or time. This must be within five working days of the original meeting unless mutually agreed.

If you are unable to attend or if you fail to attend the re-arranged meeting the meeting may go ahead in your absence.

Right to representation

At appeal meetings, you have a right to be represented or accompanied. This can be by a Trade Union Representative or a colleague.

It will be your responsibility to arrange your own representative or companion and inform them of the meeting date and time. You will be required to advise the chair of your nominated companion 2 days before the appeal hearing.

Who will be attending

The panel will be chaired by a Head of Service or a Manager at least one level higher than the person who chaired the formal absence review meeting. The HR and Governance manager or an HR Advisor who has not been involved in the initial absence review meeting will also be in attendance.

Documentation

You will be given two copies of any documentation that your manager intends to submit at the meeting. This will be included with your invitation to the meeting.

You must also provide copies of any documentation not already provided with your appeal submission to support your case at the meeting. Your documentation must be e-mailed to appeals@gatesheadhousing.co.uk 5 working days before the appeal meeting.

What will happen at the meeting

The chair of the appeal meeting must:

- outline the purpose of the appeal meeting, introduce attendees and confirm housekeeping arrangements
- ask you to present your appeal, referring to any documents or examples
- ask the manager (issuer of the improvement notice) to respond to the appeal and present the grounds upon which previous decisions have been made, referring to any documents or examples
- invite all parties to ask questions at the appropriate point
- adjourn the meeting, if necessary, to consider the appeal and decide on the outcome
- keep a written record during the appeal meeting to refer to when reaching a decision and to help with producing the outcome letter
- inform you of the decision.

The chair will advise you of the next steps (or the outcome of the appeal if known) at the appeal meeting and in writing within three working days of the appeal outcome. A copy of the letter will be placed on your electronic personnel file

Possible outcomes

The possible outcomes are:

- the appeal is not upheld and the previous decision remains
- the appeal is upheld and an alternative outcome is decided

The appeal outcome cannot impose a higher sanction than at the formal hearing. The chair's decision is final and there is no further right to appeal.

Where an Absence Review Meeting has resulted in a dismissal appeals will be heard by representatives from the Resources Committee. The chair of the committee's decision is final and there is no further right to appeal.