

AGENDA ITEM NO: 9

To : Members of the Human Resources Committee

Councillors : Steve Comer, John Bees, Mark Wright, Charles Price, Richard Eddy.

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HUMAN RESOURCES COMMITTEE

19 JUNE 2008

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Unite the Union submission for HR Committee 19 June

Managing Attendance Policy (not on the agenda)

HR Committee last considered and made amendments to the Managing Attendance Policy at the 6 December 2007 meeting. Changes made included an employees requirement (where absence is continuing) to update their manager on the fourth and seventh working day of absence.

The Policy also allows for managers to request medical certificates for less than 7 days absence which is the withdraw of self certification.

As per the Department of Work and Pensions website (attached) these changes are in direct conflict with the information provided for employers. It states employers cannot insist an employee informs them they are sick more than once a week during sickness. Also an employer cannot ask you to provide a sick note for the first 7 days you are sick.

The remedy that Unite the union is seeking is a reversal of these two changes so that the Policy complies with Government Policy.

Agenda item 10 Policy and Procedure for Volunteering

Section 4.12 of the Policy states volunteers must attend work without being under the influence of alcohol. However, a number of jobs are registered as zero tolerance and no reference is made if a volunteer undertakes this work.

Section 4.7 states expenses can be paid but only at the discretion of the service manager. Why state this when any expenses claims would require a managers signature anyway for payment to be made? In the induction checklist in Appendix B there is no reference to referring to the Expenses, Benefits and Travel Policy. So how will volunteers know they can claim if they are not told the Policy exists?

In Appendix B Equalities Impact Assessment page 2 a couple of references are made to the Industrial Museum. Hasn't this Museum now closed to the public?

Agenda item 11 Managing Change Policy/Procedure:
Implications for New Opportunities Procedure

I note that the report is proposing an increase in the pay protection limit from 15% to 20%. What are the implications of this change? Does it mean displaced employees may be redeployed 2 grades lower than their substantive post?

Unite the Union is pleased to see in paragraph 5.2 that where an employee chooses to take a considerably lower graded post full pay protection will be paid for 3 years.

Paragraph 5.2 also states further clarity is required in NOP where an employee declines an offer of suitable alternative employment. I thought the Policy is quite clear that in these circumstances the employee may lose any entitlement to redundancy pay.

Steve Paines
Convenor

Services and benefits

[Cymraeg](#)

Statutory Sick Pay (SSP)

Last updated April 2008

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What is it?

SSP is paid to employees who are unable to work because of sickness. SSP is paid by your employer for up to a maximum of 28 weeks.

SSP is not paid for specific illness or treatment but to all employees, who are incapable for work and who satisfy the conditions for payment.

Can I get it?

You must have worked for your employer under a contract of service. Even if it is your first day of work with a new employer and you become sick part way through the day you may be entitled to SSP.

To get SSP you must be:

- Sick for at least 4 or more days in a row (including weekends and bank holidays). This is known as a Period of Incapacity for Work.
- Earn, before tax and National Insurance an average of £90.00 a week. This is called the Lower Earnings Limit for National Insurance Contributions (NIC). The amount you need to earn is lower than the amount when you have to start paying NIC's or would start paying if you were treated as an employed earner.

Your earnings are averaged, over an 8 week period before your sickness began. This period may vary slightly depending on whether you are paid weekly or monthly paid, or at other intervals. If you have just started your job the calculation may be different, contact your employer for more information.

If you answer YES to all the above, claim SSP

If you want to know how much you have to earn for NI purposes, go to the [HM Revenue & Customs Website](#).

When does SSP start?

SSP is a daily payment and is usually paid for the days that you would normally work. The days that you would normally work are known as Qualifying Days (QDs)

SSP is not paid for the first three QDs, in any period of sickness unless it falls within a linking period. See - [What else should I know](#) for information about "Linking Periods"

How much will I get?

Standard rate £75.40 from 6 April 2008 to 5 April 2009.

How do I claim?

Telling your employer you are sick

To get SSP, you should tell your employer that you are sick as soon as possible. Your employer may have their own rules for when and how you tell them you are sick (please check with your employer).

However they cannot insist that you tell them:

- in person
- earlier than the first qualifying day or by a set time
- on a special form
- on a medical certificate
- more than once a week during your sickness

Your employer may not pay you SSP if you tell them you are sick more than 7 days after you first became sick.

Evidence that you are sick

Your employer will ask you for evidence that you are sick. This will usually be in the form of a sick note from your doctor.

But your employer cannot ask you to provide a sick note, for the first 7 days that you are sick. They may ask you to fill in a self-certificate of their own or form SC2 which you can get from your GP's surgery, or [HM Revenue & Customs website](#).

How is it paid?

Your employer will pay SSP to you in the same way and at the same time as your normal wages.

What else should I know?

If you have more than one job you may be entitled to SSP from each employer.

Your employer cannot end your contract of service to avoid paying SSP.

If you are away from work because of trade union action, you will not get SSP.

If you are in legal custody, you will not get SSP.

Linking

If you have been sick for two spells or more of at least 4 days in a row with 8 weeks or less between them, they will be counted as one Period of Incapacity for Work. This means that waiting days will not be served for the second period of sickness.

If you have been in receipt of Incapacity Benefit (IB) or Severe Disablement Allowance (SDA) within 8 weeks of being sick, you are not entitled to SSP because you can reclaim IB or SDA. Some people will also be entitled to reclaim IB or SDA if they are sick again within 104 weeks of a previous illness, and would not be entitled to SSP during this time. You will have received a linking letter from your Jobcentre Plus, give this to your employer.

Pregnancy

If you receive SSP for a pregnancy related illness at the start of or in the 4 weeks before your baby is due, SSP will stop and any entitlement to Statutory Maternity Pay (SMP) or Maternity Allowance (MA) will start automatically.

If you are entitled to SMP or MA, you cannot get SSP under any circumstances for 39 weeks starting with the day of entitlement to those payments.

If you are not entitled to SMP or MA, you cannot get SSP for a period of 18 weeks. For more information about this, please contact your employer or the HM Revenue & Customs employee helpline 0845 302 1479

Occupational Sick Pay Schemes

Many employers have their own sick pay scheme. If your employer has a sick pay scheme, which is equal to, or more than SSP, they may have different rules for payment, which you must keep to receive payment.

Other information:

If SSP ends, claim [Incapacity Benefit](#) (This link will take you to the Jobcentre Plus website)

The Employment and Support Allowance (ESA) will be introduced on 27 October 2008, and will replace Incapacity Benefit for new customers only.

What happens if my employer says I do not qualify or my SSP ends?

If you cannot get SSP or your SSP has ended ask **your employer** for form SSP1, which **they must** fill in and give to you. You will need to contact the Jobcentre Plus Contact Centre who will explain what you need to do with this form and how to claim Incapacity Benefit. You will find the number in your local telephone book under Jobcentre Plus.


If you think your employer's decision to not pay you SSP is wrong, or they did not pay when they should have done, or they paid too little and you cannot sort it out with your employer (they should give the reasons in writing), contact HM Revenue & Customs Disputed Payment Team to decide the matter. Find their address at <http://www.hmrc.gov.uk/enq/index.htm>

Employers: You can download a Statutory Sick Pay Form - for employers to explain why they cannot pay SSP

For details on how to administer and pay SSP, visit the HM Revenue & Customs website at: www.hmrc.gov.uk/employers/employee_sick.htm

You can download form SSP1 in PDF. This form does not apply in [Northern Ireland](#). Please complete and return this form as soon as possible as your claim will depend on the date we receive a completed claim form.

- [Get help with PDFs](#)
- We recommend that you save this file to your computer hard disk, CD or another form of transportable media before printing it.

- To save a copy of the file to disk right click with your mouse on the form link below and choose the 'Save Target As' option.
- [If you want to print out a form to fill in with a pen](#) (88KB) 

The form comes with notes that will help you fill in the form and tell you what to do.

Please contact the [eService Helpdesk](#) if you are having technical difficulties:

- downloading the form
- printing a hard copy

I am already getting it. What happens if:

I go into hospital?

SSP is not affected however long you are in hospital.

I go to live abroad or to visit?

If you work abroad you may be able to get SSP if your employer is liable to pay [NI contributions](#) for you. If you go abroad to visit, SSP can still be paid provided you can prove you are still sick. Most other benefits are affected if you are going abroad. You can get [more information](#) about certain countries through this site.

I am part of a service family living abroad or visiting?

Serving members of the Armed Forces cannot get SSP, but members of their families may be able to get it. See above.

More information

You can get information about SSP from the HM Revenue and Customs employee helpline, 0845 302 1479.

If you are an employer, get in touch with your local HM Revenue & Customs NI Contributions office for more information or phone the Employers Helpline on 0845 7 143 143.

HM Revenue & Customs website: <http://www.hmrc.gov.uk/>

Other help

- [Incapacity Benefit](#) (this link will take you to the Jobcentre Plus website)
- [Income Support](#) (this link will take you to the Jobcentre Plus website)
- [Housing Benefit](#)
- [Council Tax Benefit](#)

Remember that this website is only a general guide to benefits and schemes and is not a full and authoritative statement of the law. We have made every effort to ensure that the information on this website is correct at the date shown at the top of this page. However, changes in the law may make the website become gradually less accurate.



18 June 2008

Submission to HR Committee Meeting – 19 June 2008

Public Statement – Business Transformation

Following the recent article in the local newspaper, the GMB wish to be very clear that we do not support any scheme that results in our members being placed at risk of redundancy or ultimately losing their jobs.

The GMB consider if the council is now working as 'one council' then it is as a direct result of senior management and elected members **not** staff who have to comply with policy and procedure.

The GMB believe that through up-skilling and developmental opportunities the council will equip their staff to provide the services required – not through bullying or coercion as is often the case. These tactics of harassment are not just used against junior management/officers but also against senior management.

The Council keeps repeating the mantra of culture change in order to become more efficient and responsive – it is very difficult to remain positive when you are being bullied or harassed at work and there is nothing you can do because of the very culture of the organisation.

The GMB is therefore requesting before we start 'shedding' jobs we actually once and for all address the bullying culture of the organisation – only then can this council hope to have a culture change and really move forward!

Agenda Item 10 – Policy and Procedure for Volunteering

The GMB whilst acknowledging the need to ensure volunteers are properly vetted and appropriate checks are undertaken, we are concerned that the City Council is bringing in this policy on the back of an announcement only a couple of days ago of potentially 'shedding' between 380-420 jobs.

Is Bristol now looking to replace paid employees by unpaid 'volunteers'? If there is a need to undertake a specific function then people should be paid and not exploited.

The GMB fully understand, especially in schools, where parents will assist in the class room but this should not be at the expense of teaching assistants having to take a reduction in their hours because schools are having to balance the budget.

The GMB is therefore requesting this committee have a further report back at some stage identifying where the 'volunteers' are working.

Agenda Item 11 – Managing Change Policy/Procedure: Implications for New Opportunities Procedure

The GMB welcome the inclusion of allowing employees to 'volunteer' to take a larger reduction in their salary in order to remain working for the Council. We can't help wondering if elected members will be allowed the same discretionary pay drop?

Again the GMB cannot fail to make the link between the announcement of potential job losses and more people going into the redeployment pool at the same time as these two policies are being changed.

Especially as many residential care assistants may be facing redeployment and for them to take a 20% drop of their existing salary will mean they meet the previous report of unpaid 'volunteers'!

Agenda Item 12 - Framework HR Policies and Procedures

The GMB note with interest the updating of these policies and the revised access to them. However, does this also include the ability for staff to have access to ALL the relevant documentation relating to each policy – including management guidance or has this accessibility now been removed?

We equally note the revision of the Work-life Balance and hope this will be undertaken in the same manner as the original report was written rather than in the same manner as the rest of the HR policies have been revised.

The GMB is therefore seeking an assurance they will be included in any consultation that takes place.

Liz Bebbington
Branch Secretary

Rowena Hayward
Regional Organiser