

**Customer and Corporate Services Scrutiny
Management Committee**

5 November 2018

Report of the Assistant Director – Legal & Governance

Called-in Item Post-Decision: **Attendance Management and Wellbeing**

Summary

1. This report sets out the reasons for the post-decision call-in of the decisions made by the Executive on 18 October 2018 in respect of Attendance Management and Wellbeing, which are set out in Annex 1. This report sets out the powers and role of the Customer and Corporate Services Scrutiny management Committee (Calling-In) in relation to dealing with the call-in.

Background

2. An extract from the Decision Sheet issued after the Executive meeting is attached as Annex 1 to this report. This sets out the decisions taken by the Executive on the called-in item. The original report to the Executive on 18 October 2018 is attached as Annex 2 to this report.
3. The Executive decisions have been called in post decision by two groups of Councillors for review by the Customer and Corporate Services Scrutiny Management Committee (Calling-In) in accordance with the Constitutional requirements for call-in.
4. Firstly, Councillors D Myers, Boyce and Crawshaw have called in the Executive decision for the following reasons:
 - *The report provides insufficient detail on the root causes of stress related absence as the biggest cause of work-related absence at the council. This information is essential to determine the appropriate response;*
 - *The omission from the report of historic rates of absence over an extended period and the interplay with factors such as shrinking*

budgets, also prevents a thorough understanding of, and response to, the sickness absence issue;

- *Some analysis of the council's previous experience of contracting an external provider to help manage adult social care staff absence is missing from the report;*
- *An under-resourced central HR function means the preferred proposal cannot be compared against internal efforts to address the problem because the latter have not been resourced, contrary to the Executive Leader's assertion;*
- *The Executive Member for Culture, Leisure and Tourism's expressed concerns about 'financially incentivising companies to drive people back to work' in cases of stress-related absences not being 'the type of approach that is appropriate for people in this situation' has not been adequately addressed in taking this decision, given the new model is predicated on exactly this approach.*

5. Additionally Councillors Craghill, D Taylor and D'Agorne have also called in the same Executive decision for the following reasons:

- *We believe the Executive should revisit its decision to support Option 2 rather than Option 1 and should reconsider recruiting an in-house dedicated team to address problems associated with the current levels of sickness absence in the authority.*
- *It should also reconsider what an appropriate brief should be for such a dedicated team. The current decision commits the Council to taking a target based approach to reducing sickness absence without any apparent consideration of what the root causes of current sickness absence levels might be. It commits the authority to taking an enforcement based approach which aims to set up every manager in a policing role with their 'performance' based on meeting targets and the likelihood that a remote private company will be bullying staff who are ill into returning to work 'at the earliest opportunity'. We believe the brief for a dedicated team should not initially include specific targets but should begin with a requirement to listen confidentially to all staff, to review work demands against current capacities and to support and empower managers to come up with options for work programmes that can be delivered with existing resources in reasonable timescales.*

6. Councillors Craghill, D Taylor and D'Agorne add:

We know that following a 40% cut to Council budgets many officers in the authority are still attempting to cover 2 – 3 jobs or even more and it would not be surprising if levels of sickness absence were related to this situation. Mindfulness classes and a table tennis table are not going to make a significant impact unless we also address the root problems of an authority that is becoming increasingly dysfunctional. Staff are attempting to cover much of the same work their teams were doing before and in many cases the only guidance on priorities comes from whoever shouts loudest. This is increasingly frustrating both for staff and the public. Part of the brief for a dedicated team should indeed include looking at positive ways of improving support for staff who have been sick and are ready to return to work, but the key part of the brief should be about getting down to the root causes and coming up with recommendations for change.

Consultation

7. In accordance with the requirements of the Constitution, one representative from each Group of calling-in Members have been invited to attend and/or speak at the Call-in meeting, as appropriate.

Options

8. The following options are available to CSMC (Calling-In) Members in relation to dealing with this post decision call-in, in accordance with the constitutional and legal requirements under the Local Government Act 2000:
- a) To decide that there are no ground to make specific recommendations to the Executive in respect of the report. If this option is chosen, the original decision taken on the item by the Executive on 18 October 2018 will be confirmed and will take effect from the date of the CSMC (Calling-in) meeting; or
 - b) To make specific recommendations to the Executive of the report, in light of the reasons given for post-decision call-in. If this option is chosen the matter will be considered by the Executive at a meeting of Executive (Calling-In) to be held on 29 November 2018.

Analysis

9. Members need to consider the reasons for call-in and the report to the Executive and form a view on whether there is a basis to make specific recommendations to the Executive in respect of the item called in.

Council Plan

10. There are no direct implications for this call-in in relation to the delivery of the Council Plan and its priorities for 2015-19.

Implications

11. There are no known Financial, HR, Legal, Property, Equalities, or Crime and Disorder implications in relation to the following in terms of dealing with the specific matter before Members; namely, to determine and handle the call-in.

Risk Management

12. There are no risk management implications associated with the call in of this matter.

Recommendations

13. Members are asked to consider all the reasons for calling-in this decision and decide whether they wish to confirm the decisions made by the Executive or refer the matter back for reconsideration and make specific recommendations on the report to Executive.

Reason: To enable the call-in matter to be dealt with efficiently and in accordance with the requirements of the Council's Constitution

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Wards Affected:

All

For further information please contact the author of the report

Annexes

Annex 1 – Extract from the Decision Sheet produced following the Executive meeting on the called-in item

Annex 2 – Report of the Chief Executive and the Director of Corporate Services on Attendance Management and Wellbeing.