



# Morecambe Town Council

Morecambe Town Hall,  
Marine Road  
Morecambe  
Lancashire  
LA4 5AF

[www.morecambe.gov.uk](http://www.morecambe.gov.uk)



12 September 2024

To: **Members of Morecambe Town Council's Personnel Committee: Cllrs G Knight, Cllr B Cooper, Cllr J Slater, Cllr R Dennison, Cllr C Ainscough, Cllr J Goodrich, Cllr P Hart, Cllr M Stenneken, Cllr P Clarke.**

Dear Councillor,

Dated this twelfth day of September 2024, you are hereby summoned to attend a meeting of Morecambe Town Council's Personnel Committee to be held at 18:00 on the twenty-third day of October 2023.

The meeting will be held in Morecambe Town Hall, Marine Road East, Morecambe, LA4 5AF to transact business on the agenda.

Your sincerely,

Mr Luke Trevaskis  
Chief Officer

## Agenda

**NB: MEMBERS ARE INVITED TO ATTEND FROM 17:30 TO REVIEW THE OUTCOMES OF THE APPRAISALS.**

1. **Apologies** - to receive apologies for absence.
2. **Declarations of Interests** - to note declarations of members' interests.
3. **Vice Chairperson** - to duly elect a Vice Chairperson.
4. **Minutes** - to consider and approve the minutes of the previous meetings.
5. **Employment Law Changes** - to consider and note the report outlining the new legal requirement for employers to show that they have taken reasonable steps to prevent sexual harassment in the workplace.
6. **Absence Policy** - to consider and approve the revised Absence Policy, to include the Bradford Factor methodology.
7. **Exclusion of the Press and Public**

*The Committee is recommended to pass the following recommendation in relation to the following items:*

*"That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following business, on the grounds that it could involve the possible disclosure of exempt information as defined in paragraphs 1 and 2 of Schedule 12A of that Act."*

8. **Appraisals** - to review the outcomes of the recent appraisals and agree actions.



## Report: Anticipated Legislative Changes in UK Employment Law

### Introduction

In the coming months, following the election, significant changes to UK employment law are expected, which will have important implications for employers. This report focuses primarily on the new legislation set to take effect this October, requiring employers to demonstrate that they have taken "reasonable steps" to prevent sexual harassment in the workplace. This legislative change signals a growing emphasis on workplace safety, and while its intent is commendable, it places additional implications on employers in terms of time, resources, and compliance efforts.

### New Legislation on Preventing Sexual Harassment

From October, employers must show that they have taken reasonable steps to prevent sexual harassment in the workplace. This legal requirement aims to ensure that workplaces are free from harassment and that employers are proactive in creating a safe environment for all employees. Failure to demonstrate these steps could result in serious consequences. In cases where an employee successfully brings a sexual harassment claim, there could be a 25% uplift in compensation awarded to the claimant if the employer has not met this requirement.

This legislation puts additional pressure on businesses to ensure robust policies, training programs, and reporting mechanisms are in place. Employers are expected to take preventive measures, such as:

- Regularly updating policies regarding anti-harassment.
- Providing comprehensive training to staff at all levels.
- Encouraging a culture of zero tolerance for harassment.
- Establishing clear and accessible reporting systems for employees.

### Additional Burden on Employers

The introduction of this legislation will inevitably lead to an increased implication on employers in terms of time and resources. There are several key factors contributing to this:

#### 1. Increased Time for Staff Training

Employers will need to dedicate more time to regularly training staff on acceptable behaviour, and what constitutes harassment in the workplace (the last training of this nature was delivered internally to all employees of Morecambe Town Council in February 2024, and consideration should be given to this training being also offered to councillors). This training is important, and occasionally will require pulling employees away from their regular duties for extended training sessions, potentially disrupting daily operations. Regular refreshers and additional training are also likely to be necessary

in future to ensure the Chief Officer can identify and respond to potential cases of harassment promptly, and with the confidence measures are undertaken within proper frameworks. This investment is necessary to prevent further risks such as claims progressing to Employment Tribunal.

## **2. The Impact of Non-Compliance**

Failure to comply with this new legislation could lead to significant financial and reputational damage. Not only could employers face legal costs associated with defending against harassment claims, but the 25% uplift in compensation could result in costly settlements. The reputational damage from a publicised sexual harassment case can also have long-term impacts on employer branding, recruitment, and employee morale.

## **Future Legislative Changes**

Beyond this immediate legislative change, it is expected that further developments in employment law may be implemented in the future. These include:

- **Extension of whistleblower protections** to cover more categories of workers and offer broader safeguards.
- **Changes to family leave policies** that could require businesses to offer more flexible arrangements for parents and caregivers.
- **Increased focus on mental health** in the workplace, with potential new requirements for employers to support employees' mental wellbeing.
- **The new government** has promised to remove qualifying periods for unfair dismissal, sick pay, parental leave, increase minimum wage and more. Meaning, employees will have certain protections from day one. So, the Council will need to review existing policies to make sure they align with updated rules.

## **Conclusion**

The forthcoming legislation on preventing sexual harassment represents a significant shift in employment law and adds new proactive responsibilities for employers. While the intention behind the law is to create safer and more inclusive workplaces, it brings with it increased demands for staff training, policy updates, and monitoring systems. The Council must prepare for future changes by consistently reviewing policies, updating training materials, and ensuring that staff understand their rights and responsibilities.



## Absence Policy

**Adopted by Morecambe Town Council on 18 February 2021**  
**Re-Adopted by Personnel Committee on 28 April 2022**

### Introduction

This policy applies to all employees of the Council and aims to secure the attendance of its employees in fulfilling contractual obligations, whilst providing support when absence is necessary.

This policy will ensure that the operational efficiency of the Council can be maintained whilst employees are absent from work and all decisions will be taken in line with professional independent HR advice.

It is the Council's policy to offer as far as is possible, security of employment during such periods of absence, along with guidance and support, subject to operational requirements and the conditions below.

### Procedure

If an employee is unable to attend work due to sickness, he or she must notify the Council **at least one hour prior to the time they are due to commence work in line with their employment contract by either contacting the Chairman or their line manager as soon as possible, and in exceptional circumstances but** no later than the end of the working day on which the absence first occurs, unless it is not reasonably practicable to do so. He or she should indicate the reason for the absence and, if possible, when he or she expects to return to work. The employee must complete a self-certification form for the first seven calendar days of all sickness absences. This form can be completed on the employee's return to work if their absence lasts less than seven calendar days.

If the employee is absent by the eighth day (including Saturday and Sunday), they must send a fit note, issued by their GP, to the Council. Current fit notes must cover subsequent periods of absence. The employee should also keep in touch with the Council regarding their condition and likely return to work date.

The employee will not be allowed to return to work until their GP deems that they are fit to return. Requests for temporary adjustments to the employee's working conditions will be considered by the Council and will be accommodated wherever possible and if Council's circumstances permit. In the case of extended periods of absence, the Council may require that the employee's fitness to return is confirmed by a medical practitioner of the Council's choice and the employee will be interviewed on their return to work in order to:

- check on the employee's fitness to return
- ensure that all the support the employee needs is in place
- bring the employee up to date on any changes

### *Fit Notes*

An employee's GP might indicate on a fit note that the employee "may be fit for work". If this option is selected the GP will also identify potential amendments that should be made, selecting from:

- Phased return to work
- Amended duties
- Altered hours
- Workplace adaptations

If a fit note is received the Council will contact the employee and arrange for a meeting with the employee. At this meeting the suggested amendments will be discussed with the aim of facilitating the employee's return to work. If the suggested amendments are not possible the employee will remain on sick leave. If amendments are possible the employee will return to work, but regular reviews will be carried out to ensure that the amendments are adequate.

Where an employee is absent due to sickness on a long-term or frequent short-term basis, the procedure in the Appendix will be followed.

### *Medical Examination*

The Council reserves the right to require the employee to be examined by a practitioner of its choice in order to seek a medical opinion.

### *Disability*

If the employee has a condition that means they might be considered disabled within the meaning of the Equality Act 2010, the Council will attempt to make reasonable adjustments to their job to accommodate their requirements. The employee will be fully consulted at all times.

### *Return of Property*

If the employee is off sick for an extended period of time (e.g. one month or more) the Council may require them to return Council equipment until they are well enough to return to work. If the employee does not return to work following a period of sickness absence, they will be required to return all outstanding Council equipment on the date of termination of his or her employment.

### *Other Absences*

Requests for time off for reasons other than sickness will be considered by the Council in the light of the individual's circumstances, legal requirements and operational needs. Requests for holidays can be made in line with contracts of employment.

### *Review*

This policy will be reviewed no less than annually.

## **APPENDIX**

### **LONG TERM OR FREQUENT SHORT-TERM ABSENCE PROCEDURE**

This procedure is designed to outline the process where an employee is absent due to sickness on a long-term or frequent short-term basis. The discussions and investigations will review the employee's capability or capacity to undertake the work. The aim is to ensure fair treatment for all.

#### **PRINCIPLES**

Sickness absence issues will be dealt with sympathetically and sensitively, whilst also recognising the requirements of the Council and the impact of the absence on others.

Periodic contact should be maintained during the period of sickness absence.

A full review, normally including medical reports, will be undertaken in each case.

All periods of sickness absence (after the first seven days self-certification period) must be certificated by a medical practitioner ("sick note").

The employee will be consulted at each stage of the procedure, to establish the true medical position and in order that the situation can be reviewed in full.

The employee will be advised if their employment may be at risk.

Throughout the procedure, discussions should take place on any reasonable adjustments that might be considered, to enable the employee to return to work.

The Council will make efforts where possible to provide appropriate assistance to help the employee to return to work.

In cases of long-term ill health, the Council will, where possible, hold employment open.

In all cases before taking a decision to terminate an employee's contract on grounds of ill health, managers will take into account:

- any representations from employees, including additional medical information
- the employee's length of service
- the employee's most recent health situation and the likelihood of an improvement in attendance
- whether it is possible to hold the job open for longer and the effect of past and future absences on the Council
- the availability of suitable alternative work or working hours
- any other reasonable adjustments which could be reasonably expected to facilitate the return
- the impact of the Disability Discrimination Act 1995 on the particular case, and whether this may have a bearing on the actions to be taken.

The employee will be informed of the right of appeal against any decision taken to terminate his or her contract of employment.

At all formal stages of the procedure, the employee may be accompanied by a colleague or trade union representative.

Where it is clear early on that the employee will not be well enough to return to work, and after consultation with the employee, the employee's contract may be terminated prior to Stage Three of the procedure, but not before the employee's sick pay has expired.

Where there is reason to believe that the employee is absent due to misconduct rather than genuine sickness, the matter will be dealt with as a disciplinary matter under the Disciplinary Procedure.

## **INFORMAL MEETING**

Absence levels will generally start to be of concern to managers at the following trigger points:

- 4 absences in a 12 week period
- 30 days intermittent absence over the past 12 months
- 3 weeks continuously off sick

Where there is the case, absence levels will normally be discussed with the employee. The aim will be to encourage the employee to understand the manager's concerns and to agree ways, if possible, of improving the situation.

The Council shall have the right at any time to require you to submit to examination by an independent medical practitioner selected by the Council, to obtain a confidential report on your condition from such practitioner and to discuss with such practitioner the findings of his/her examination and his/her prognosis of your likely recovery and or fitness to resume work and any recommended treatment.

## **STAGE ONE – FIRST FORMAL MEETING**

A first formal meeting will be arranged where:

- In the case of long term sickness absence, there is no clear date of return.
- In the case of frequent short term sickness absence, there has been no improvement in the weeks subsequent to the informal meeting.

The Chairman or line manager will notify the employee in writing of the meeting to discuss the employee's sickness absence. The employee will be advised of the concerns and that this is the first formal stage of the procedure. He or she will be advised of the right to be accompanied by a colleague or trade union representative and will be given the opportunity to state his or her point of view.

Medical reports may normally be reviewed to assess whether there is any underlying health problem, and if so, what this is. Alternatively, permission to access medical records may be sought at this meeting.

There will be a discussion on ways to assist the employee to return to work, where appropriate. Unless there is a clear date for return (e.g. in the case of a broken limb), the manager should advise the employee that employment cannot be held open indefinitely. He or she should state that there will normally be two further meetings, after which the employee's contract may need to be terminated on grounds of capability.

The issues discussed at the meeting will be recorded and a date set for a second formal meeting.

## **STAGE TWO – SECOND FORMAL MEETING**

The employee will be informed in advance of the meeting in writing and advised that he/she may be accompanied by a colleague or trade union representative. At the meeting the employee's absence will be

reviewed. Medical reports will be reviewed again where appropriate. An up-to-date medical report will normally be sought prior to the second formal meeting; the report will be discussed at the meeting.

If at the second formal meeting, the employee's absence is still a cause for concern, the manager should advise the employee that there will be one further meeting, after which the employee's contract may need to be terminated on grounds of capability.

The issues discussed at the meeting will be recorded and a date set for a third formal meeting.

### **STAGE THREE – THIRD FORMAL MEETING**

The employee will be informed of the meeting in writing and advised of his/her right to be accompanied by a colleague or trade union representative. The meeting will be held by the Chairman of the Council. A letter will advise the employee that it is possible that termination of employment on the grounds of ill health may be an outcome of the meeting, but that the employee will have the opportunity to state his/her point of view, which will be fully considered.

Medical information should again be reviewed at this meeting. The employee's absence should be discussed again. An up-to-date medical report will be sought prior to the third formal meeting and the employee should be asked for his or her views. The report will be discussed at the meeting. Where there is any lack of clarity, or a dispute on the medical information, a second, independent medical report may be sought.

If absence levels have not reduced at this stage and if the Council believes, on an assessment of medical information and after discussion with the employee, that there is no likelihood of improvement in the foreseeable future, the employee's contract will be terminated on the grounds of capability. Before taking this step, the manager must consider again, and discuss with the employee, whether any reasonable adjustments might be made, to enable the employee to return to work.

If a decision to terminate employment is taken, the employee will be provided, soon afterwards, with a letter outlining the reasons for the termination of his/her contract, the date on which the contract will terminate, and details of the right of appeal.

### **APPEAL**

If the employee wishes to appeal against the decision to terminate employment, he/she should write to the Council, giving reasons for the appeal. This appeal must be made within ten working days of the date of the letter confirming termination of employment. The employee will have the right to be accompanied by a colleague or trade union representative at the meeting, which will be held without unreasonable delay. The employee will be given the opportunity to state his or her point of view at the meeting. The Council's decision will be final. The termination date of employment will not delay in order for the appeal hearing to take place.



## ESTABLISHING THE CRITERIA FOR FORMAL ACTION USING THE BRADFORD FACTOR

**Introduction:** Frequent, short-term sick leave can have a significant detrimental effect on an organisation. It not only disrupts workflow and impacts productivity, but it also increases the workload of other employees. If not effectively managed, persistent short-term absences can create a negative culture, with employees potentially taking advantage of perceived leniency.

The Bradford Factor is a widely recognised method for measuring the impact of short-term absences on an organisation. This policy sets out how the Council will use the Bradford Factor to determine when formal action is required to manage absence levels.

**Objective:** To establish a fair and consistent approach to managing staff absence, ensuring that the effects of frequent short-term sick leave are minimised and that all cases of absence are addressed appropriately.

**The Bradford Factor:** The Bradford Factor formula is used to calculate an absence score by assigning a higher weighting to frequent, short-term absences compared to longer, continuous periods of absence. The calculation is as follows:

### Formula:

- **Bradford Factor Score** = Number of absences<sup>2</sup> x Total number of days absent  
(*Frequency of absence x Frequency of absence x Total days absent*)

### Example Calculations:

- **Example 1 (Long-term absence):**
  - One continuous absence of 91 days:  
 $1 \times 1 \times 91 = 91$  points  
(*91 days continuous absence = 91 points*)
- **Example 2 (Frequent short-term absences):**
  - First absence of 3 days:  $1 \times 1 \times 3 = 3$  points
  - Second absence of 4 days:  $2 \times 2 \times 7 = 28$  points
  - Third absence of 2 days:  $3 \times 3 \times 9 = 81$  points
  - Fourth absence of 1 day:  $4 \times 4 \times 10 = 160$  points  
(*10 days' total absence = 160 points*)

**Absence Target and Formal Action:** The Council has established a Bradford Factor score threshold of 100 within any 12-month period. Employees whose score exceeds this target may be subject to formal disciplinary proceedings. It is important to note that this threshold can be adjusted depending on specific circumstances, and each case will be assessed on its own merits.

### Process:

1. **Monitoring Absence:** Absences will be recorded and monitored regularly. Employees whose Bradford Factor score exceeds 100 will be required to attend a meeting with their line manager to discuss the situation.
2. **Disciplinary Hearings:** If an employee's absence pattern indicates cause for concern (i.e., a Bradford Factor score above 100), they may be required to attend a disciplinary hearing. The purpose of this hearing is to review the absences, identify any underlying issues, and explore potential solutions, such as adjustments to working conditions or providing additional support.

- 3. Judging Each Case Individually:** Each absence case will be reviewed based on its own circumstances. The Council remains committed to considering reasonable adjustments in line with legal obligations.
- 4. Support and Guidance:** Employees will be offered appropriate support if their absence is due to a health issue. The Council will provide access to occupational health services where necessary to ensure employees receive the support they need to return to work in a timely and healthy manner.

**Exceptions:** In certain cases, absences may be excluded from the Bradford Factor calculation, such as:

- Absences due to disability-related reasons (in accordance with the Equality Act 2010)
- Absences related to pregnancy or maternity leave
- Bereavement leave

**Conclusion:** The Council recognises that the Bradford Factor is a useful tool for identifying patterns of absence that may require further investigation. However, it will always act fairly and reasonably when managing absence, ensuring that any action taken is proportionate and that employees are supported throughout the process.