

Professional Representation

LTU has had a superb track-record representing staff who have been managed under the PSTA process.

Where cases against staff are unjustified, or procedures not correctly followed, they have been thrown out.

Moreover, in a case where a member of staff was dismissed - because she had left it too late to seek LTU's support - the Union secured £5,000 compensation for Unfair Dismissal at an Employment Tribunal.

Appointments, Emergency and Compassionate Leave

LTU is aware that arranging paid time off for medical appointments, compassionate and emergency leave can sometimes be a problem for Staff.

Too often this is down to a lack of understanding of precisely what staff are entitled to on the part of line managers.

Doctors, Dentists and Hospital Appointments

Where staff need to attend medical appointments, they are expected to make a reasonable effort to arrange these at times to minimise disruption to their working day. Of course, actually scheduling appointments outside of normal hours is not normally possible.

What staff are not required to do is 'make up time' where they need to take time off work to attend medical appointments. Where this is requested, staff should explain to their line managers that they are perfectly entitled to attend medical appointments during normal working hours.

Emergency & Compassionate Leave

Some Staff have reported restrictions on their ability to take time off work for emergency or compassionate reasons.

The Bank's Rules state that time off should be permitted for emergency or compassionate reasons relating to either dependants or family members. This is also a legal entitlement.

Examples of when you should be provided with time off should include:

- **If you have a child who is too ill to go to school or nursery and you can make no alternative childcare arrangements.**
- **A family bereavement occurs and you need to attend a funeral or assist with funeral arrangements.**
- **A close relative or elderly neighbour is ill or injured and you need to accompany them to a medical appointment.**

The amount of time off will depend upon the circumstances. However, the Bank's general guidance is that on each occasion the first one or two days off should normally be paid. After this period, additional necessary time off should be considered through a combination of either further paid leave, unpaid leave, annual holiday or even Additional Parental Leave in the case of dependant children.

It is important to stress that this provision for time off is for each 'episode' and not merely a quarterly or annual staff entitlement. And under no circumstances should staff agree to taking sick leave instead of their rights under this policy.

In all these circumstances, members can find out more about their rights and entitlements by calling LTU's Advice Team on 01234 262868.

NICK HOLT
Assistant General Secretary

4 SEPTEMBER 2006

All Members

The Measure Of A Good Employer

The way an organisation treats its staff when they are off work through illness or have personal problems is for many the measure of a good employer. Increasingly however this is not an accolade that can be applied to the Bank. Its mantra: "A great place to work" should it seems for many managers have the sub text - providing you are fit, healthy, never have a problem or a family responsibility and never take any time off through illness.

Because the Bank has cut staffing levels to the bone, whilst continuing to pile on the pressure, is taking an increasingly hard and often inappropriate line with staff who are off work through sickness. It is doing this in the belief that too many staff who say they are ill are really "swinging the lead" or 'taking a sickie' and deliberately taking advantage of the system.

While it is right that the Bank should tackle this sort of behaviour where it exists, the Bank is cultivating an approach that treats everyone as a malingerer unless proven innocent.

Issues dealt with regularly by LTU's Advice Team include:

- **When staff are off work by reason of sickness absence.**

Some members have complained of being visited by their line managers at home - sometimes in the evenings - without any prior notice.

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Other members have reported Return To Work interviews that have extended beyond their purpose, with line managers asking intimate questions and offering medical advice!

- **Quasi-disciplinary proceedings under the Persistent Short Term Absence (PSTA) procedure; which could lead eventually to dismissal.**

Proceedings are often exposed as being completely unwarranted and outside of the Bank's own guidelines. It is common for the proceedings to be stopped as soon as LTU's Officials become involved.

- **Denial of Emergency and Compassionate Leave, despite staff having a legal - as well as contractual - right to this time off.** Often this is required because of bereavement or illness of close members of the family or because of unforeseen childcare problems.

We have even dealt with cases of staff having to deal with bereavement being denied compassionate leave and instead being told to take it as sick leave. This is not only inappropriate but with the pressure now being placed on sickness absence could leave staff open to all sorts of problems.

- **Unreasonable requirements upon staff to make up time for attending Doctors, Dentists or Hospital Appointments during working hours, when this is not required.**

Management Of Sickness Absence

The Union accepts that many line managers handle their responsibilities satisfactorily and ensure that sickness absence is dealt with fairly. And we don't condone abuse of sick leave entitlements.

However, in many parts of the Bank, unacceptable practices do exist - often leaving the overwhelming majority of staff who do act properly feeling bullied and pressurised into not taking time off work when they are genuinely unwell. Sometimes staff are even placed under the threat of dismissal when it is clear that they have longer-term health problems that mean that, from time-to-time, they will need to take time off work.

In short, the assumption that staff taking time off are malingering is clearly wrong in the overwhelming majority of cases. A more mature approach to staff management, judging each case on its own merits, is essential.

Unacceptable Sickness Management Practices

It is important that members understand that they do not have to put up with the following practices when they have to take time off work because of illness:

- **Managers turning up at their homes unannounced without making a proper appointment to do so.**
- **Having to phone their office more than once during the same day to report their sickness.** Though staff should make every effort to speak to their line managers, if they aren't available it should suffice to leave a message with someone else who is responsible for deputising for the line manager in his or her absence.
- **Being required to phone their line managers daily to confirm whether or not they will be off sick again, having previously provided an indication of how many days they anticipate being off work.** Once staff have indicated how long they believe they may be off, they should agree with their line manager an appropriate time when next to provide an update.
- **Return to Work Interviews delving into intimate or personal matters or line managers even providing their own medical diagnoses.** Instead, these interviews should be confined to seeking information on the member of staff's wellbeing, whether he or she is genuinely ready to return to work and, where appropriate, establishing whether any measures at work could be taken to reduce the prospect of a similar absence.

Long Term Sickness

During extended periods of sickness, it may be that staff are told that they are to receive Welfare Visits from their Line Manager and HR Representative.

Where this is to happen, the Bank must agree in advance appointments with the individuals (typically at their homes) and advise the members of staff that they can be accompanied by a Union Official if they wish.

As these visits can sometimes be the first step towards dismissal, it is essential that members contact LTU as soon as they receive notification of such visits.

Persistent Short Term Absence (PSTA)

A major demand for LTU's Individual Representation service arises from proceedings under the Bank's Persistent Short Term Absence (PSTA) policy.

LTU has negotiated clear guidelines with the Bank to ensure the fair and consistent treatment of those staff whose level of sickness absence gives cause for concern.

The problem arises, however, where the PSTA policy is not applied correctly. This has been a particular concern recently.

The PSTA Process

The PSTA process is a formal process involving a series of meetings between individuals and their Line Managers, at which the level of attendance is discussed and review periods agreed.

In exceptional circumstances, where improvement in attendance is not achieved, individuals may eventually lose their jobs.

Line managers may choose to initiate the PSTA procedure in circumstances where absences are judged to be (i) too frequent, the agreed definition being "typically this will be if you are absent four or more times in a three month period" (ii) fall into a regular pattern, or (iii) the individual concerned is not at work enough to make a sufficient contribution.

The PSTA procedure falls into one informal and three formal stages as follows:

Informal Stage

Once a line manager has, for any of the reasons described above, decided to invoke the PSTA process, he or she must hold an informal meeting with the member of staff concerned to discuss

the individual's absence levels and provide the individual with an opportunity to provide reasons for those absences. This is in addition to the return to work interview.

Formal Stages

Should an individual's absences continue to cause concern, the Formal Stages may commence.

At each Formal Stage there is a requirement to provide a minimum of 7 days written notice to the member of staff and advise them of their right to be represented by an LTU Official.

At **Stage 1**, a formal meeting will be held at which an expected level of attendance will be discussed and a review period agreed. The review period will normally be for 3 months, but can be longer if appropriate. The expected level of attendance will normally be based around the average for a given business unit or department. The Line Manager should be able to justify any attendance target proposed. In addition, any agreement should make due allowance for 'near misses' and/or significant improvements in levels of attendance.

It is often at this stage that - following the involvement of LTU - cases are dropped either because the case against an individual is not justified or because the process hasn't been followed correctly.

Stages 2 and 3 may follow in those circumstances where the level of attendance required at the previous stage is not met.

At the end of this third review period, if attendance levels are still considered unacceptable an individual may be called to a final meeting at which his or her contract of employment could be terminated.