



Title of meeting: Employment Committee

Date of meeting: 25th September 2018

Subject: Dying to Work

Report by: Jon Bell, Director of HR, Legal and Performance

Wards affected: N/A

Key decision: No

Full Council decision: No

1. Purpose of report

1.1. The purpose of the report is to consider whether Portsmouth City Council (excluding schools) should sign up to the TUC 'Dying to Work' charter and what additional actions, if any, it would need to carry out to comply with the charter.

2. Recommendations

2.1. Employment Committee is recommended to agree that:

- i. PCC should sign up to the TUC charter since the charter largely reflects our current practices.
- ii. In meeting our commitment to the charter, continue the current practice of investigating with an eligible employee which option under the pension scheme would be most financially beneficial. In some cases, this could mean retiring the employee on grounds of ill-health where this is the best option for them.
- iii. As part of the charter, state that under an organisational change process a member of staff with a terminal illness could still be dismissed, if the reason for dismissal is redundancy. However, as with our current practice, redundancy dismissal will only be actioned once all other options have been exhausted.

3. Background

- 3.1. The 'Dying to Work' charter from the TUC is a public declaration of how an organisation will support an employee who has been diagnosed with a terminal illness. Portsmouth City Council's current policies and practices are already in line with the fundamental principles of the 'Dying to Work' charter (Appendix 1).
- 3.2. The Charter requires organisations to "review sick pay and sickness absence procedures and include a specific statement that they will not dismiss any person with a terminal diagnosis because of their condition". Whilst Portsmouth City Council's absence management policy and practice is in line with the charter, there are some circumstances where the council would dismiss an employee as a result of their diagnosis.
- 3.3. It is recognised that in certain circumstances depending on the pension scheme membership (LGPS, Teachers Pension, NHS), dismissing through ill-health may be more beneficial for the employee compared to the financial benefits received from 'death in service'. Whilst we are unable to provide financial advice, the Payroll and Pensions manager is able to guide and assist an employee as to where they can find information on the financial impact of each option to them personally.
- 3.4. The Council's Employee Assistance programme assists us in meeting the requirements of the Charter.
- 3.5. HR provide training to managers on absence management and will incorporate a section in the training on how to manage those who are terminally ill.

4. Other Local Authorities' Experience

- 4.1. Currently across the UK 81 different organisations have signed up to the charter of which 25 are local authorities.
- 4.2. Those contacted confirmed that the charter did not require major changes to their policies, although it may still be necessary to dismiss an employee due to redundancy as part of an organisational change process. However they stated that they would exhaust all other options first, before they move to dismissal. They did not change or enhance their sick pay arrangements for those with a terminal diagnosis.

5. Reasons for recommendations

- 5.1. The council's current practices are already compliant with the principles of the charter, as shown in Appendix 1.
- 5.2. The charter will demonstrate the council's commitment to treating its terminally ill employees fairly. The council will also be publically

recognised for this commitment, with a signing ceremony and photo opportunities.

5.3. The purpose of clarifying the council's stance is to establish clear expectations for those not eligible under any of the three pension schemes for ill-health retirement and death in service, and how redundancy issues will be approached in the context of the charter.

6. Equality impact assessment

A pre-liminary EIA has been undertaken and there are no issues highlighted.

7. Legal implications

The proposal largely reflects the current policies and is consistent with PCC current practices. The adoption of the proposal would not materially fetter the available legal options when considering dismissal or a restructuring that could impact upon an employee . There are no obvious risks associated with the proposal.

8. Director of Finance's comments

There are no additional financial implications arising directly upon the Council from the recommendations contained within this report.

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Signed by:

Appendices:

Appendix 1 - TUC Dying to Work Charter

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location