



My Ref: FOI 6406
Enquiries to: Information Requests
E-Mail: informationrequests@barnsley.gov.uk

Dear Requester,

Re: Request for Information – Freedom of Information Act 2000

I wish to confirm that the council has completed its search for the information which you requested.

The information requested and our findings are as follows: -

Please provide the following information for the period 1 January 2020 to the date of this request. Please provide copies of all policies, procedures, guidance documents and protocols relating to the management of employees diagnosed with a terminal illness.

Please see the attached folder with nine documents included. Barnsley council also has an intranet page dedicated to supporting employees. Occupational Health, Counselling and an Employee Assistance Programme (Wisdom app) are offered to employees who require the support, however this is not exclusively to employees who are diagnosed with a terminal illness.

Please provide copies of all policies, procedures, guidance documents and protocols relating to employees who have suffered a catastrophic life-changing illness or injury, including (but not limited to) stroke, traumatic brain injury, spinal injury and progressive neurological conditions.

Again, please see the attached folder with nine documents included.

Has the Council signed the Dying to Work Charter? If yes, please state the date it was adopted.

This was signed in 2022.

Please provide any audits, reviews, evaluations or reports relating to the Council's implementation of the Dying to Work Charter.

Not Applicable.

Please provide any guidance issued to managers regarding the application of discretion for employees diagnosed with a terminal illness.

Please see the Serious Ill Health and Terminal Illness Flowchart provided in the attached folder.

How many employees have notified the Council that they have been diagnosed with a terminal illness?

Eight

Of those employees, how many entered the Managing Attendance Procedure (or equivalent attendance management process)?

None

Of those employees, how many progressed to Stage 2?

None

Of those employees, how many progressed to Stage 3?

None

Of those employees, how many attended a capability hearing?

Capability dismissal due to terminal ill health can be agreed with the employee without a hearing.

Of those employees, how many were dismissed on capability grounds?

Six

Of those employees, how many retired on ill-health grounds?

None

Of those employees, how many remained in employment until their death?

None

What is the Council's target timescale for referring an employee with a terminal illness to Occupational Health? What was the average time between notification of a terminal illness and referral to Occupational Health?

Every employee is treated as an individual. Their health, circumstances and job are therefore individual, therefore, there is no specific timescale. Managers making referrals are able to request urgent appointments.

COPYRIGHT STATEMENT

(©) Barnsley Metropolitan Borough Council

This information is a relevant copyright work for the purposes of the Copyright, Designs and Patents Act 1988. It is owned solely by Barnsley Metropolitan Borough Council but you are able to use and re-use it freely without charge, including for commercial purposes, in accordance with the terms of the Open Government Licence found at The National Archives Website <http://www.nationalarchives.gov.uk/doc/open-government-licence>

You can also write to the Information Policy Team, The National Archives, Kew, Richmond, Surrey TW9 4DU

When re- using the information please ensure that you:

Acknowledge the copyright and source of the information by including the following attribution statement: "Contains Barnsley Metropolitan Borough Council information (©) Barnsley Metropolitan Borough Council. Licensed under the Open Government Licence."

Include the same acknowledgement in any sub-licences you grant, and a requirement that any further sub-licences do the same.

Do not use the information in a way that suggests that Barnsley Council endorses you or your use of the information.

The information is licensed "as is". Barnsley Council is not liable for any errors or omissions in the information and shall not be liable for any loss, injury or damage of any kind caused by its use.

What was the average time between referral to Occupational Health and completion of the Occupational Health assessment?

For employees that are assessed by a specialist Occupational Health Nurse the appointment is usually within one to two weeks. Assessments by an Occupational Health Consultant Physician should take place within four weeks.

Does the Council operate a fast-track Occupational Health referral process for employees with a terminal illness? If yes, please provide details.

As above, managers make referrals are able to request urgent appointments.

Does the Council have discretion to extend occupational sick pay beyond contractual entitlement for employees with a terminal illness? If yes, how many employees with a terminal illness have received an extension to occupational sick pay?

Occupational sickness is paid in line with the NJC Green Book, please see excerpt attached.

Please provide any policy or guidance governing the exercise of this discretion. Do managers receive mandatory training on supporting employees with a terminal illness? If yes, please provide copies of the training materials.

We provide Dealing with Serious Ill Health and Terminal Illness at Work training via our learner management system.

Please state how many managers have completed this training. Do managers receive training on supporting employees following a stroke or catastrophic life-changing illness? If yes, please provide copies of the training materials.

Eight managers have completed this training during the stated period.

Please provide any Equality Impact Assessments relating to the management of employees with terminal illnesses.

We do not have a standalone EIA for Terminal Illness.

Please provide any Equality Impact Assessments relating to the Managing Attendance Procedure where terminal illness has been considered. Please provide any guidance issued to managers regarding reasonable adjustments for employees with terminal illnesses.

COPYRIGHT STATEMENT

(©) Barnsley Metropolitan Borough Council

This information is a relevant copyright work for the purposes of the Copyright, Designs and Patents Act 1988. It is owned solely by Barnsley Metropolitan Borough Council but you are able to use and re-use it freely without charge, including for commercial purposes, in accordance with the terms of the Open Government Licence found at The National Archives Website <http://www.nationalarchives.gov.uk/doc/open-government-licence>

You can also write to the Information Policy Team, The National Archives, Kew, Richmond, Surrey TW9 4DU

When re- using the information please ensure that you:

Acknowledge the copyright and source of the information by including the following attribution statement: "Contains Barnsley Metropolitan Borough Council information (©) Barnsley Metropolitan Borough Council. Licensed under the Open Government Licence."

Include the same acknowledgement in any sub-licences you grant, and a requirement that any further sub-licences do the same.

Do not use the information in a way that suggests that Barnsley Council endorses you or your use of the information.

The information is licensed "as is". Barnsley Council is not liable for any errors or omissions in the information and shall not be liable for any loss, injury or damage of any kind caused by its use.

We do not have a standalone EIA for Terminal Illness. Reasonable adjustments are considered as a matter of course, when an employee makes us aware of any condition even before an Occupational Health Assessment is received with their recommendations. EIA for Managing Attendance policy attached.

Please list all support routinely offered to employees diagnosed with a terminal illness. Please provide copies of any guidance relating to financial wellbeing, pension advice, welfare benefits advice or counselling for terminally ill employees.

The council's Employee Assistance Programme (EAP) can provide emotional support 24/7. This is to both the employee and adults that live with them. This is available within a phone call or via the app with chat/text support. Employees can also refer themselves for counselling through a different contract.

In addition to emotional support, the EAP can provide information and guidance on legal and financial matters. This can include information about benefits, care, wills and probate.

Please provide copies of any guidance relating to support offered to the families of employees diagnosed with a terminal illness.

Not applicable, other than support via EAP.

Does the Council have a policy or protocol relating to the death in service of an employee? If yes, please provide a copy.

Please see the attached Death in Service Checklist and Guidance documents in the attached folder.

Please provide details of any support routinely offered to colleagues following the death in service of an employee.

Please see the attached Death in Service Checklist and Guidance documents in the attached folder.

Please provide details of any support routinely offered to the family of an employee who dies in service.

Not applicable, other than support via EAP.

Please provide copies of any lessons learned reports, service reviews, audits or investigations relating to the management of employees diagnosed with a terminal illness.

COPYRIGHT STATEMENT

(©) Barnsley Metropolitan Borough Council

This information is a relevant copyright work for the purposes of the Copyright, Designs and Patents Act 1988. It is owned solely by Barnsley Metropolitan Borough Council but you are able to use and re-use it freely without charge, including for commercial purposes, in accordance with the terms of the Open Government Licence found at The National Archives Website <http://www.nationalarchives.gov.uk/doc/open-government-licence>

You can also write to the Information Policy Team, The National Archives, Kew, Richmond, Surrey TW9 4DU

When re- using the information please ensure that you:

Acknowledge the copyright and source of the information by including the following attribution statement: "Contains Barnsley Metropolitan Borough Council information (©) Barnsley Metropolitan Borough Council. Licensed under the Open Government Licence."

Include the same acknowledgement in any sub-licences you grant, and a requirement that any further sub-licences do the same.

Do not use the information in a way that suggests that Barnsley Council endorses you or your use of the information.

The information is licensed "as is". Barnsley Council is not liable for any errors or omissions in the information and shall not be liable for any loss, injury or damage of any kind caused by its use.

Not applicable.

Please provide copies of any reports presented to Corporate Leadership Team, Directorate Leadership Teams or elected Members concerning support for employees with terminal illnesses.

Not applicable.

Please provide details of any planned review of policies relating to terminal illness or catastrophic life-changing conditions.

No reviews pending.

Does the Council have any specific policy for employees who have suffered a stroke?

No.

Does the Council have any specific policy for employees with progressive neurological conditions?

No.

Does the Council distinguish catastrophic life-changing conditions from ordinary sickness absence within its attendance management procedures? If yes, please provide copies of the relevant policy or guidance.

Please see the Managing Attendance Policy and Serious Ill Health and Terminal Illness Flowchart for information on how the council manages attendance and terminal illness, although all sickness absence follows the same policy.

How many employees diagnosed with a terminal illness have been required to attend a formal attendance review meeting, capability meeting or dismissal hearing after notifying the Council of their diagnosis?

A capability dismissal due to terminal ill health can be agreed without a hearing. In cases of terminal illness the emphasis is usually on expediting the process to enable the employee to access their pension as quickly as possible.

How many employees diagnosed with a terminal illness died whilst still subject to the Managing Attendance Procedure or capability process?

None.

COPYRIGHT STATEMENT

(©) Barnsley Metropolitan Borough Council

This information is a relevant copyright work for the purposes of the Copyright, Designs and Patents Act 1988. It is owned solely by Barnsley Metropolitan Borough Council but you are able to use and re-use it freely without charge, including for commercial purposes, in accordance with the terms of the Open Government Licence found at The National Archives Website <http://www.nationalarchives.gov.uk/doc/open-government-licence>

You can also write to the Information Policy Team, The National Archives, Kew, Richmond, Surrey TW9 4DU

When re-using the information please ensure that you:

Acknowledge the copyright and source of the information by including the following attribution statement: "Contains Barnsley Metropolitan Borough Council information (©) Barnsley Metropolitan Borough Council. Licensed under the Open Government Licence."

Include the same acknowledgement in any sub-licences you grant, and a requirement that any further sub-licences do the same.

Do not use the information in a way that suggests that Barnsley Council endorses you or your use of the information.

The information is licensed "as is". Barnsley Council is not liable for any errors or omissions in the information and shall not be liable for any loss, injury or damage of any kind caused by its use.

How many employees diagnosed with a terminal illness had their occupational sick pay reduced or exhausted before their employment ended?

Seven of the eight employees had exhausted full pay and had entered half pay or nil pay by the time they left the authority, or are currently absent and receiving half/nil pay whilst still being employed.

Has the Council ever exercised discretion to suspend or pause the Managing Attendance Procedure because an employee was terminally ill? If yes, on how many occasions?

Those who returned from sickness periods were issued with 'no action' outcomes rather than progressing through the managing attendance sanctions such as being issued with a stage 1 or stage 2 (see Managing Attendance policy).

Please provide any recorded guidance instructing managers not to progress attendance management procedures for employees with a terminal illness. Please provide any recorded information setting out what constitutes a 'terminal illness' for the purposes of employment policies.

Please see the attached Managing Attendance Policy and Serious Ill Health and Terminal Illness Flowchart attached in the attached folder.

Please provide any recorded information showing whether the Council monitors outcomes for employees diagnosed with a terminal illness.

The council does not specifically record outcomes related to terminal illnesses.

Please provide any recorded information relating to benchmarking or comparison with other employers regarding support for employees with terminal illnesses.

Not Applicable.

If you have any queries about this letter, please contact Information Requests Via email.

Please remember to quote the reference number above in any future communications.

If you are unhappy with the way the Directorate has handled your request, you may ask for an internal review. Please clearly mark your correspondence 'Complaint' and address it to:

COPYRIGHT STATEMENT

(©) Barnsley Metropolitan Borough Council

This information is a relevant copyright work for the purposes of the Copyright, Designs and Patents Act 1988. It is owned solely by Barnsley Metropolitan Borough Council but you are able to use and re-use it freely without charge, including for commercial purposes, in accordance with the terms of the Open Government Licence found at The National Archives Website <http://www.nationalarchives.gov.uk/doc/open-government-licence>

You can also write to the Information Policy Team, The National Archives, Kew, Richmond, Surrey TW9 4DU

When re- using the information please ensure that you:

Acknowledge the copyright and source of the information by including the following attribution statement: "Contains Barnsley Metropolitan Borough Council information (©) Barnsley Metropolitan Borough Council. Licensed under the Open Government Licence."

Include the same acknowledgement in any sub-licences you grant, and a requirement that any further sub-licences do the same.

Do not use the information in a way that suggests that Barnsley Council endorses you or your use of the information.

The information is licensed "as is". Barnsley Council is not liable for any errors or omissions in the information and shall not be liable for any loss, injury or damage of any kind caused by its use.

PO Box 634, Barnsley, South Yorkshire S70 9GG

Barnsley MBC
Information Requests Team
PO Box 634
Barnsley
S70 9GG
email: informationrequests@barnsley.gov.uk

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: -

Customer Services Team
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Email: <http://www.ico.org.uk/foicomplaints>

Kind regards,

Information Requests Team, Barnsley MBC

COPYRIGHT STATEMENT

(©) Barnsley Metropolitan Borough Council

This information is a relevant copyright work for the purposes of the Copyright, Designs and Patents Act 1988. It is owned solely by Barnsley Metropolitan Borough Council but you are able to use and re-use it freely without charge, including for commercial purposes, in accordance with the terms of the Open Government Licence found at The National Archives Website <http://www.nationalarchives.gov.uk/doc/open-government-licence>

You can also write to the Information Policy Team, The National Archives, Kew, Richmond, Surrey TW9 4DU

When re- using the information please ensure that you:

Acknowledge the copyright and source of the information by including the following attribution statement: "Contains Barnsley Metropolitan Borough Council information (©) Barnsley Metropolitan Borough Council. Licensed under the Open Government Licence."

Include the same acknowledgement in any sub-licences you grant, and a requirement that any further sub-licences do the same.

Do not use the information in a way that suggests that Barnsley Council endorses you or your use of the information.

The information is licensed "as is". Barnsley Council is not liable for any errors or omissions in the information and shall not be liable for any loss, injury or damage of any kind caused by its use.

PO Box 634, Barnsley, South Yorkshire S70 9GG