

UNISON Suffolk County Branch

The Bradford Factor at Suffolk County Council



The Bradford Factor and your rights at work

Over the last several years UNISON (the wider organisation) has had members who lost their jobs through capability practices. Some of these members would have been covered under the Disability provisions of the Equality Act 2010 but may have been unaware of their rights.

To avoid discrimination toward groups protected by the Equality Act, the following types of absence should not be included for the purposes of calculating a Bradford Factor Score when they are supported by medical evidence:

- Absence logged as disability-related sickness or disability leave
- Absence logged as being pregnancy or maternity-related
- Absence related to a gender reassignment process
- Any single absence of 90 days or more (as Bradford Factor targets short-term absence - longer term absence will require additional support and should be managed on a case-by-case basis).

Mitigating circumstances

Personal circumstances should be considered and supported from a staff welfare point of view. An illness or illnesses being genuine is not on its own considered a mitigating factor. Mitigating circumstances are more likely to apply to particular roles, for instance:

- A firefighter who has a physical injury that prevents them undertaking their normal duties, and for whom no other work or modified duty can be found.
- A frontline employee with vulnerable customers (such as social workers, school nurses, health visitors) who feels well enough to work but who their manager would prefer took sick leave in order to prevent their customers becoming ill. The circumstances would also need to be that this employee did not have sufficient work that they could do from home or an office base to cover the period of time to full recovery.

These mitigating circumstances are much less likely to apply to office-based roles, where duties can still be undertaken with a range of minor conditions, and/or where home working is often available.

Disability

Disability related sickness absence is sickness absence related to an individual's disability. For example: an episode or relapse of a disability related condition or time off for recuperation following a period of disability leave for treatment. Disability related sickness absence is recorded separately from other absence but is counted as part of sickness absence entitlement.

Following feedback with UNISON, the Council have agreed to write guidance available on 'Ask HR' to clarify position as currently that disability is as defined by a medical practitioner, and that the employee

does not have to be registered disabled; also that there is no management discretion once the 'likely to be covered by the Equality Act as a disability' advice has been received from the occupational health practitioner. This means that the manager must exclude the disability related leave from the Bradford Factor Score.

The Equality Act defines disability as "a mental or physical impairment that has a substantial and long-term effect on a person's ability to carry out normal day-to-day activities." 'Long-term' means has lasted or is likely to last 12 months or more and includes, but is not limited to, HIV infection, cancer, and multiple sclerosis from the point of diagnosis.

Each time an absence is added to the HR system, there is a tick box relating to Bradford Factor. Absences will automatically be included in the Bradford Factor unless they are checked to be excluded by the line manager (see details below).

Members should be aware that disability related illness is not a "get out of jail free" card. Staff must be capable and have good attendance (where reasonable adjustments have been put in place by the Council). If staff cannot maintain their attendance and all other options have been considered dismissal or ill health retirement may be appropriate outcomes.

Key points for staff and managers

Key points for all staff:

- Firstly, familiarise yourself with the Council's sickness absence policy and time off guidance. Familiarise yourself with the [Bradford Factor Guidance](#)

Your Bradford Factor score is worked out using the below equation:

Number of spells absent x Number of spells absent x Number of days absent = Bradford Factor Score

- Ask you manager for your Bradford Factor Score at each monthly supervision and keep a record of this.
- Talk to your manager or a human resources (HR) department adviser if you have concerns about the way your absence is being managed or recorded.
- Contact UNISON for advice to return to work after a period of absence, or if you are facing ill health retirement or dismissal and you believe you have been treated unfairly or there is evidence of discrimination.
- Don't let problems escalate at work before seeking UNISON's advice. If you have a problem, come to us at the earliest point and before you attend any workplace meetings about your absence. UNISON can represent you at the formal stage, but we are also able to advice you at an earlier point if you are concerned about the way your absence has been managed or recorded.
- Get UNISON's advice if you need support with your employer to make reasonable adjustments if you have a medical condition, special need or disability.

Key points for people managers:

- Understand and apply the Council's policies consistently to avoid direct or indirect discrimination / treating staff unfairly.
- Exclude certain absences from the Bradford Factor Score following the [Bradford Factor Guidance](#) (remember that you must do this manually).
 - Managers should check the 'Exclude from Bradford Factor calculation' box to exclude an absence from the Bradford Factor Score:

Exclude from Bradford Factor calculation

- Read the Council's [disability leave policy](#) for more information, and contact HR for advice for advice about a specific concern relating to a staff member.
- Familiarise yourself with the Equalities Act www.gov.uk/guidance/equality-act-2010-guidance.
- Use Occupational Health and Access to Work www.gov.uk/access-to-work for your staff appropriately and in line with the Council's policies.
- When you deal with employment issues use your organisation's official paperwork.
- Run monthly absence management reports from MyPeople (iTrent) – see guidance below
- Share the staff member's Bradford Factor Score with them at each supervision.
- Use the Council's [Healthy Conversations Portal](#), which has sections that focus on prevention as well as management of sickness absence.
- Familiarise yourself with the Council's sickness absence policy and time off guidance (understand the difference between formal and informal stages).
- Use Ask HR website and take advice from an HR adviser before starting a process concerning your staff.
- When you deal with absence management issues:
 - Make sure you have all the facts.
 - Be impartial and fair.
 - Be clear on what you want to achieve.
 - Consider all the support available.
 - Be sensitive to staff suffering from mental health conditions and stress.
 - Document everything.
 - Comply with the organisational policies.
 - Understand where you can and cannot apply your discretion to an absence management case.
 - Don't rush to a decision - take your time.
- Remember that staff have a legal right to see the information you hold about them. Under data protection legislation you need a clear reason to keep this information so you must share the Bradford Factor Scores with staff. In addition, information about staff must not be retained after the agreed period, for example, "capability plans" and "informal action plans".

Where do managers see the Staff Bradford Factor Scores?*

- Log into MyPeople and then go to 'Links', and then 'Management reports' (on the right hand side toward the bottom of your screen)
- Under management reports, choose 'Absence reports'.
- There are a number of management reports under 'Absence reports' in a list (on the left hand side of your screen) one of these is the 'Bradford Factor League table'.
- To run the report click on the link 'Bradford Factor League table' and fill in the form with the dates you want the report to cover.
- Click the 'run' button at the bottom of the form, the report will take some time to run but you will be notified by email once it is complete.
- You can find the report by clicking on the "Processes" section when you log back into iTrent or by going back to the reports list, then download.

*Depending on the report parameters a manager who run this report could also see their own Absence record and Bradford Factor Score in the results.

Management resources provided by the Council:

- [Absence forms incl. return to work](#)
- [Absence Portal incl. Policy and Toolkit](#)
- [Bradford Factor Guidance](#)
- [Disability Leave Policy](#)
- [Flexible Resourcing Pool](#)
- [Flexible Working Guidance](#)
- [Healthy Conversations Portal](#)
- [Lifestyle Support for Managers](#)
- [Managers Managing Stress course](#)
- [Mental Health at Work Policy](#)
- [Mental Health First Aiders](#)
- [Mental Health Toolkit](#)
- [myWellbeing info on mySCC](#)
- [Occupational Health referral guidance](#)
- [Performance Management Guidance](#)
- [Reasonable Adjustments list](#)
- [Risk assessment guidance Coaching and mentoring scheme Mental Health Network](#)
- [Stress Management Toolkit and stress info on mySCC](#)
- [Time off Guidance](#)
- [Trade unions](#)
- [Workplace Mediation Service](#)

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