



**PERSONNEL COMMITTEE**

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To: Councillors Miah (Chair), Snartt (Vice-Chair), Bokor, Braker, Hamilton, Haynes and Tillotson (For attention)

All other members of the Council  
(For information)

You are requested to attend the meeting of the Personnel Committee to be held in Committee Room 1, at the Council Offices, Southfields, Loughborough on Tuesday, 10th October 2023 at 6.00 pm for the following business.

Chief Executive

Southfields  
Loughborough

2nd October 2023

**AGENDA**

1. APOLOGIES
  
2. MINUTES OF THE PREVIOUS MEETING 3 - 6

To confirm as a correct record the minutes of the meeting held on 13th June 2023.

3. DISCLOSURES OF PECUNIARY INTERESTS, AND OTHER REGISTRABLE AND NON-REGISTRABLE INTERESTS

For information, disclosable pecuniary interests and registrable interests relate to entries that are included, or should be included, on a councillor's register of interest. Non-registrable interests relate to any other matters.

4. QUESTIONS UNDER COMMITTEE PROCEDURES 12.8

No questions were submitted.

5. RETIREMENT POLICY AND PROCEDURE

7 - 28

A report of the Director of Finance, Governance & Contracts.

6. REASONABLE ADJUSTMENT PASSPORT

29 - 107

A report of the Director of Finance, Governance & Contracts.

**FUTURE MEETING DATES**

Please note further meetings of the Committee for 2023-24 are scheduled as follows:

19th December 2023

26th March 2024

## PERSONNEL COMMITTEE 13TH JUNE 2023

PRESENT: The Chair (Councillor Miah)  
The Vice Chair (Councillor Snartt)  
Councillors Braker, Hamilton, Haynes and  
Tillotson

Director Finance, Governance and Contracts  
Head of Governance and Human Resources  
Charnwood HR Manager  
Senior HR Advisor  
Democratic Services Officer (NC)

APOLOGIES: Councillor Bokor

The Chair stated that the meeting would be recorded and the sound recording subsequently made available via the Council's website. He also advised that, under the Openness of Local Government Bodies Regulations 2014, other people may film, record, tweet or blog from this meeting, and the use of any such images or sound recordings was not under the Council's control.

1. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 28th March 2023 were noted.

2. DISCLOSURES OF PECUNIARY INTERESTS, AND OTHER REGISTRABLE AND NON-REGISTRABLE INTERESTS

No disclosures were made.

3. QUESTIONS UNDER COMMITTEE PROCEDURES 12.8

No questions had been submitted.

4. JOINT NEGOTIATING AND CONSULTATIVE COMMITTEE (JNCC) - APPOINTMENT OF COUNCILLORS 2023-24

Considered a report of the Director of Finance Governance and Contracts to appoint councillor representatives to the Joint Negotiating and Consultative Committee (JNCC) for 2022-23 (item 5 on the agenda filed with these minutes).

As appointments to this body were not required to be politically balanced it was proposed that 2 Labour, 1 Conservative and 1 Green Party councillor be nominated to the Joint Negotiating and Consultative Committee to accord with the political administration in control of the Council.

Cllr Snartt wished it to be recorded in the minutes that he considered political balance should be observed when appointing to this body to accord with the Conservative Party having the largest number of councillors elected to the Council.

It was suggested that increasing the number of councillors to be appointed to JNCC could be reviewed in future.

**RESOLVED** that Councillors Bokor, Hamilton, Haynes, and Miah be appointed as representatives on the Joint Negotiating and Consultative Committee for 2023 – 24.

Reason

To enable the operation of the Joint and Negotiating and Consultative Committee in accordance with its constitution and, therefore, negotiation and consultation to take place between the Council as an employer and its employees.

5. APPOINTMENTS TO PANELS 2023-24

Considered a report from the Director of Finance, Governance and Contracts to appoint to Panels 2023-24 (item 6 on the agenda filed with these minutes).

**RESOLVED** that Panels comprising of Councillors Bokor, Hamilton, Haynes, Snartt and Tillotson be appointed for the Council year 2023-24 in respect of the following:

- a) To determine appeals by a JNC Officer against dismissal.
- b) To determine all other employment related appeals for JNC staff which are provided for in the Council procedures.
- c) To make recommendations to Council on the appointment or dismissal of the Head of Paid Service.
- d) To make recommendations to Council on the appointments to Chief Officer and Statutory Officer posts excluding the Head of Paid Service.
- e) To undertake the Chief Executives Performance and Development Review.

Reason

Section 5.5 (e) of the Council's Constitution (Roles of decision taking Committees) states that the Personnel Committee will appoint Panels comprising 5 councillors (with a quorum of 3) for these functions. Appointing Panels to undertake these functions at the beginning of the Council year will prevent the need for a meeting of the Committee for the sole purpose of appointing a Panel and enable the functions to be dealt with in a timely manner.

6. PREVENTION OF ILLEGAL WORKING GUIDANCE

Considered a report of the Director of Finance, Governance and Contracts to agree proposed amendments to the prevention of illegal working guidance, (item 7 on the agenda filed with these minutes).

**RESOLVED** that the Personnel Committee agree the proposed amendment to the Prevention of Illegal Working Guidance to reflect necessary legislative changes and also agree the inclusion of the following amendments as proposed at this meeting:

- amendment of a typographical error from ‘ *permission to stay in the UK on or before 18th March 2002* to ‘*permission to stay in the UK on or before 18th March 2022*’ (ref. page 35 of the agenda pack),
- clarification that the HR representative for ‘The Meeting’ and the ‘Appeal’ (as part of the process for failure to maintain right to work) should not be the same person (ref. page 38/39 of the agenda pack).

#### Reason

To accurately reflect the necessary legislative updates required as part of the Council’s right to work checks.

### 7. GUIDANCE ON THE RECRUITMENT AND EMPLOYMENT OF CASUAL WORKERS

Considered a report of the Director of Finance, Governance and Contracts to agree proposed amendments to the Guidance on the Recruitment and Employment of Casual Workers, (item 8 on the agenda filed with these minutes).

**RESOLVED** that

1. the Personnel Committee agree to the proposed amendments to the Guidance on the recruitment and Employment of Casuals Workers;
2. the Personnel Committee agree to the alteration to the Leave Arrangements Policy in relation to casual workers;
3. the update to the Leave Arrangements policy to reflect new annual leave entitlements for NJC employees in the 2023/24 leave year is agreed by Personnel Committee.

#### Reasons

1. to reflect the Council’s approach to annual leave provisions for casual workers following legislative changes in the Guidance on the recruitment and Employments of Casual Workers.
2. To ensure the Leave Arrangements policy is amended to enable employees to obtain information on leave provisions for casual workers.
3. To accurately reflect the one day (pro rata) annual leave entitlement increase for NJC employees in the 2023/24 leave year.

#### NOTES:

1. No reference may be made to these minutes at the next ordinary Council meeting unless notice to that effect is given to the Democratic Services Manager by five members of the Council by noon on the fifth working day following publication of these minutes.
2. These minutes are subject to confirmation as a correct record at the next meeting of the Personnel Committee.

## PERSONNEL COMMITTEE - TUESDAY, 10 OCTOBER 2023

### Report of the Director Finance, Governance and Contracts

#### Part A

#### RETIREMENT POLICY AND PROCEDURE

##### Purpose of Report

Personnel Committee to agree the proposed amendments to the Retirement Policy and Procedure and the introduction of the Retirement Policy Application Form.

##### Recommendation

That Personnel Committee agree the proposed amendments to the Retirement Policy and Procedure and the introduction of the Retirement Policy Application Form.

##### Reason

To ensure that information provided to manager and employees in relation to retirement and pensions is up to date and accurate.

##### Policy Justification and Previous Decisions

The Retirement Policy and Procedure was introduced by the Council on the 24 January 2012. The proposed amendments to the policy have been agreed by SLT and JMTUM to accurately reflect the correct information on retirement for employees.

##### Implementation Timetable including Future Decisions

The decision will come into effect immediately following agreement at Personnel Committee and be published on the Council's intranet.

##### Report Implications

##### ***Financial Implications***

There are no financial implications with this decision.

##### ***Risk Management***

There are no specific risks associated with this decision.

##### ***Equality and Diversity***

None identified.

##### **Climate Change and Carbon Impact**

None identified.

**Crime and Disorder**

None identified.

**Wards Affected**

Not applicable.

**Consultations**

Not applicable.

**Links to the Corporate Strategy**

Caring for the Environment	No
Healthy Communities	No
A Thriving Economy	No
Your Council	No

Background Papers: Retirement Policy and Procedure.

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Charnwood HR Manager, Senior HR Advisor  
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sally.dobrowolska@leics.gov.uk



## Part B

### Background

1. The Retirement Policy and Procedure was last reviewed in 2015, the updated version seeks to clarify any areas of the policy that may have been unclear on the steps that must be taken. The policy was also reviewed to ensure it reflect current legislation around the pensions provisions regarding retirement.
2. To help with the processing of a flexible retirement request, a flexible retirement application form has been introduced as a supporting document.

### Current HR Policies or Procedures

3. The current Retirement Policy and Procedure is a total of 26 pages in length. The appendices repeated a lot of the information included within the body text of policy and procedure and therefore the updated version streamlines the current policy.

### Key Changes

4. The policy has been amended to include all the different retirement options previously covered while removing any content that was repeated. The revised policy also numerically lists all of the steps that must be followed when processing, examining and approving/refusing a flexible retirement and ill health retirement applications.
  - Flexible retirement application form has been added which will now need to be completed to initiate flexible retirement requests. This will assist managers in review the individuals' circumstances surrounding the request as well as the needs of the service.
  - Flexible retirement and ill health retirement processes is now numbered to assist managers in navigating through the relevant processes.
  - The numerical steps described above for flexible retirement applications clarifies that an FR1 form must be completed if a manager wishes to consider a flexible retirement request and further explains that this will enable pensions to provide pensions estimates to the employee and any associated potential costs to the employer.
  - The 85-year rule was previously covered in the current policy under the heading early payments of LGPS benefits; however, this section has been removed. The 85-year rule is briefly covered in the glossary of terms with the addition of a weblink which takes an employee directly to the LGPS website which covers the rule in more detail. Also, within the glossary employees are advised to contact the pensions department should they have further questions.

### Appendices

Appendix A – Retirement Policy and Procedure

Appendix B – Flexible Retirement Application Form



## Retirement Policy and Procedure

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## Scope

This policy applies to employees of Charnwood Borough Council who are members of the Local Government Pension Scheme (LGPS).

## Purpose

Charnwood Borough Council does not require employees to retire at any particular age and individuals can contribute to the LGPS up until their 75<sup>th</sup> birthday.

The purpose of this policy is to outline the different retirement options that are available to employees and the processes that must be followed when considering:

- Retirement at ‘normal’ pension age;
- Early retirement – voluntary;
- Early retirement – compassionate grounds;
- Early retirement – efficiency of service;
- Flexible retirement;
- Ill-health retirement;
- Pension release due to voluntary or compulsory redundancy.

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## Principles

The Council's commitment to equality of opportunity will be observed at all times during the operation of this policy and procedure. This will ensure that employees are treated fairly and without discrimination on the grounds of race, nationality, ethnic or national origins, sex, marital status or civil partnership, disability, age, sexual orientation, trade union membership or activity, political or religious beliefs, maternity or pregnancy, gender re-assignment and unrelated criminal conviction.

To ensure that fair procedures are followed in relation to all types of retirement and options, opportunities, benefits and costs have been explored, as appropriate, before retirement decisions are made.

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## Roles & Responsibilities

Chief Executive	To authorise the Delegated Decision for any changes or the release of funds.
Directors	To consider requests for flexible and early retirement from LGPS members on receipt of appropriate documentation from managers. In cases of ill-health retirement, consider the necessity of obtaining further occupational health opinions where a scheme member disagrees with an assessment during the ill-health retirement process.
Line Managers	To provide the necessary support and guidance to employees throughout the various retirement options and processes. To process applications when received in accordance with this policy.
Employees	A personal responsibility to ensure they take an informed decision as to when to retire, managing their own retirement and being suitably prepared in line with the Council's procedures, including arranging attendance on a pre-retirement course where applicable. To attend meetings and occupational health appointments as advised and arranged to support a retirement process.
Ex-Employees	To contact the HR team should they wish to request the early payment of their deferred benefits on the basis they believe they have become permanently incapable of performing the duties of their former post by reason of ill-health.
HR Services	To provide advice and support to the line manager and employees as required throughout the process. Undertake any 3 <sup>rd</sup> Tier review process as advised by Pension services.
Pension Services	To process as appropriate requests for pension costs and notifications of retirements from managers / HR services. To process actual retirement benefits.

## Retirement at 'Normal' Pension Age

Charnwood Borough Council does not require its employees to retire at any particular age, even if they are in receipt of a state pension.

For LGPS pension purposes, 'normal' pension age is linked to an employee's state pension age (but with a minimum of age 65). Retirement before this age is classed as ['early' retirement](#).

An employee needs to have at least 2 years membership to qualify for pension benefits.

Employees who are interested in retiring should contact the Pension section for details of their pension benefits. They must also advise their manager of their intention to retire, in writing, providing the notice required under their contract of employment.

Line managers are to ensure Payroll are informed as soon as it is known that a retirement decision has been confirmed by a scheme member.

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## Early Retirement – Voluntary

Employees, with at least 2 years' pension scheme membership, who have not reached 'normal' retirement age, can opt to voluntarily retire from the age of 55 onwards and receive immediate payment of their accrued pension benefits. As a reduction in pension benefits<sup>1</sup> may apply, employees are strongly advised to consult the Pension section for an estimate before making a decision.

Employees who wish to take early retirement must advise their manager in writing providing the notice required under their contract of employment.

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## Early Retirement – Compassionate Grounds

The Council has the discretion to waive actuarial reductions, under a number of retirement scenarios, on compassionate grounds to member and former members. The cost of which would fall upon the employer.

In relation to early retirement request on compassionate ground the policy is that:

- The Council will not consent to requests for early retirement on compassionate grounds where capital costs are applicable unless there are exceptional circumstances.
- All requests for immediate access to retirement benefits under this regulation should be made in writing to be considered on an individual basis.

To qualify for consideration, the employee must:

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<sup>1</sup> Employees should note that these reductions can be quite large and will remain in place for the duration of the pension.

- Have been a member of the pension scheme for at least 2 years;
- Aged 55 or above

A scheme member who wishes to be considered for early retirement on compassionate grounds should write to their manager expressing an interest in early retirement and explaining the reasons in support of early retirement.

If, in view of the likely costs and benefits, it appears that the Council might wish to approve the early retirement on compassionate grounds, the manager should ask Pension services to provide accurate details of the immediate and subsequent cost to the Council. The scheme member's request and details of any costs, as provided by Pensions services are to be passed to the Director for consideration.

If the Director feels at this stage unable to support the application it should be explained to the scheme member that they cannot be allowed to retire early on compassionate grounds and this should be confirmed in writing with the reasons why.

If the proposal appears to be one that the Council may wish to approve, the Director should discuss with the scheme member the possible basis of the retirement on compassionate grounds and inform the Personnel Committee of the proposal, providing a detailed business case for the proposal and a written statement of the immediate and subsequent cost to the Council previously prepared by Pension services.

An application may be withdrawn by the applicant at any time prior to its consideration by the Personnel Committee but if it is not withdrawn prior to this consideration it shall then be regarded as a firm application.

The Personnel Committee and the Director involved will consider the proposal and will decide whether the scheme member should be allowed to retire early under the conditions of the scheme. In all cases the financial position of the Council must be considered.

If the retirement on compassionate grounds application is approved, the applicant will be informed of the decision in writing and the Director and Pensions services shall take the necessary administrative action to put the retirement into effect and to pay to the applicant the benefits to which they are entitled.

If it is decided that the scheme member should not be allowed to retire early they should be informed of the decision in writing, but that the application may be reconsidered, at the scheme member's request, at a future date if business or personal circumstances change.

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## Early Retirement – Efficiency of Service

The purpose of early retirement (efficiency of service) is to provide fair and equitable compensation to employees who leave the Council's employment in the interests of the efficiency of the service and, at the same time, ensuring that legislative requirements are met and the burden placed on the public purse is reasonable. This provision is a discretionary one and the Council may seek to apply this discretion from time to time.

To qualify for consideration, the employee must:

- Have been a member of the pension scheme for at least 2 years;
- Aged 55 or above

This arrangement is aimed at individual employees who, whilst having given valuable service in the past, are no longer deemed capable of doing so. The situation may arise from an employee being unable to cope with the new and expanding duties being placed on them. The decline on an employee's ability to perform the duties of the post may be exacerbated by ill health but this arrangement is unlikely to apply in cases of long-term absence due to ill health. This arrangement will not apply in the following circumstances:

- Where it is deemed that it is more appropriate to deal with an individual's ability or willingness to perform under the Performance or Disciplinary procedures.
- The decline in an employee's ability to perform the duties of the post due to domestic circumstances
- Ill-health where employees no longer have the health and physical capacity to continue in employment.

Employees who meet the requirements of early retirement are entitled to an immediate and unreduced pension based on their reckonable service. The cost of the early payment of pension will be borne by the Council. The application of this arrangement is entirely at the discretion of Charnwood Borough Council and will be with the consent of the employee. It will only be considered as a last resort.

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## Flexible Retirement

Flexible retirement allows scheme members who are aged 55 or over to apply to receive their pension benefits whilst continuing to work.

### **For the Council**

Flexible retirement can be beneficial to the Council in helping to retain skilled employees who may otherwise leave their job and can be useful in succession planning arrangements particularly for specialist roles.

### **For the Scheme Member**

Flexible retirement can help members balance work with other outside commitments and / or enable them to retire gradually.

### **For both**

Flexible retirement can in some cases help both scheme members and the organisation in reducing posts / hours of work and in avoiding / reducing the overall number and level of redundancies.

To qualify, the employee must:

- Have been a member of the pension scheme for at least 2 years;

- Permanently reduce their current contractual hours by a **minimum of 40%**; and/or
- Permanently reduce their grade.

The Council will consider requests that fall within the above criteria however there is no guarantee that an application will be approved. The needs of the Council's services must come first, and some requests may not be operationally practical or financially viable. Requests will not normally be approved if there is a cost to the Council and/or where there will be an impact on service delivery.

Managers will consider each application objectively based on the role undertaken by the employee and any detrimental effect the request could have on the individual, team, or service. As the Pension section require the completion of forms FR1 and FR2 before they can action a request, managers and employees are reminded of the importance of submitting these as soon as possible.

Approved requests will result in a permanent change to the employee's working arrangements. The employee can opt to continue to pay into the LGPS, building up further benefits in a new second pension.

An employee cannot increase their working hours, once reduced, by any means including working additional hours. However, in exceptional circumstances where business needs demand, managers can agree a short-term temporary increase in the employee's hours.

#### **Requests relating to a reduction in hours**

Where an employee has more than one post, to qualify for flexible retirement, the individual must reduce their contracted hours in each post by a minimum of 40%. Both managers will need to support the request before flexible retirement can be considered.

The arrangement of the employee's new hours will be by negotiation with the manager and will be based on service provision needs. All terms and conditions of employment will be pro rata to the new contractual hours.

Employees who receive a compensation payment in relation to a reduction in hours as part of an organisational change process are not also able to use this reduction in hours to request flexible retirement. However, flexible retirement can be requested as an alternative to any compensation payment.

Employees who have been granted flexible retirement as a result of a reduction in hours are not also eligible to receive pay protection in relation to the reduction in hours. Any pay protection in place when the flexible retirement commences will cease immediately.

#### **Requests relating to a reduction in grade**

The employee is responsible for identifying a suitable vacant post as part of their flexible retirement request. This will usually be a post within the employee's team/section. Appointment will be on merit by appropriate selection process, unless changes to the organisational structure permit a transfer to the post under the terms of an action plan.

The post must be a minimum of one grade lower than the employee's current post and the employee will be appointed to the maximum pay point of the new grade. There is no



entitlement to pay protection. All terms and conditions of employment will be those applicable to the grade of the new post.

Salary, leave entitlement and other terms and conditions of employment will be those applicable to the new post and its attendant grade. Any pay protection in place when the flexible retirement commences will cease immediately.

### **Application Process**

1. An employee who is interested in applying for flexible retirement must complete the [Flexible Retirement Application Form](#) and forward it to their manager. Ideally, requests should be submitted at least 12 weeks in advance of the proposed flexible retirement date.
2. The manager will meet with the employee (and their trade union representative, if applicable) within 10 working days of receiving the application form. This discussion will include:
  - The employee's reason for making the request;
  - How the arrangement being requested will work;
  - The impact on service delivery and how this can be addressed/resolved;
  - Potential alternative arrangements which meet the needs of the employee and the Council;
  - The date on which the employee proposes the requested change will take effect.
3. The manager will weigh the potential benefits to the Council/employee against any adverse impact of agreeing the request. Each request will be considered on a case-by-case basis; agreement to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern.
4. An application for flexible retirement may be refused at this stage if there is a business reason as to why the employee's proposed working arrangements cannot be accommodated, for example:
  - An ability to reorganise work amongst existing employees or recruit additional staff;
  - A detrimental effect on the service's ability to meet customer demand;
  - A detrimental impact on the quality or performance of the service;
  - Additional financial costs which will negatively impact the service.

It may also be the case that there is no skills shortage within the service area and therefore if the employee decided to leave the Council, their skills could be easily replaced.

5. Any decision to support an employee's request will be subject to confirmation from the Pension section of any costs attached to the flexible retirement. Managers should note that applications from employees who are aged between 55 and 60 are likely to result in the need for a capital cost to be paid to the Pension Fund to cover the release of the employee's pension. These costs can be substantial and must be paid for by the employing department. Managers should also note that requests which result in capital

costs must only be considered in exceptional circumstances and with the support of the Director.

6. The manager will provide the employee with written confirmation of their decision. If the manager is unable to support the request, section B of the flexible retirement application form will include a detailed explanation for this decision and details of the employee's right to appeal. A template of the document is available by clicking [here](#).
7. If the employee wishes to appeal the decision, they must advise their manager, in writing, within 7 working days of receiving the outcome of their application. Their request must include the reason(s) why they are appealing.
8. The line manager should arrange a meeting with the scheme member (and their trade union representative, if applicable) to discuss the appeal within 10 working days of receiving the appeal letter.
9. If it's decided that the employee's original request or a slightly amended version can be accommodated, the following steps will be undertaken. If the line manager agrees that the employee's request cannot be accommodated, there will be no further right of appeal. The employee will be advised, in writing within 5 working days of the outcome of their appeal.
10. If the manager supports the employee's application, the employee and their manager will complete [Form FR1](#) and forward it to HR to then forward to the Pension section. The Pension section will provide the employee with details of the pension benefits they can expect to receive and HR with any costs that might be attached to the potential flexible retirement. Employees are strongly advised to seek independent financial advice on receipt of their pension forecast as it may involve them incurring a reduction in their pension benefits<sup>2</sup>; the cost of this advice is the responsibility of the employee.
11. If, on receipt of the estimate, the employee wishes to still pursue flexible retirement, they must advise their manager.
12. Where no capital costs are involved, the manager will forward the employee's application form and the Pension section estimate to their Director for consideration.
13. Where capital costs have been identified, the manager must seek advice from their Head of Service before submitting the employee's application form and the Pension section estimate to their Director for consideration.
14. The Director will consider the request, taking into account the manager's rationale for supporting the request, the cost of releasing the employee's pension and any recommendations provided by the line manager and Head of Service.
15. The manager will then draft a Delegated Decision to the Chief Executive for the authorisation of any changes or the release of the funds. This must be agreed by legal and finance and include comments from Human Resources.

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<sup>2</sup> Employees should note that these reductions can be quite large and will remain in place for the duration of the pension Retirement Policy and Procedure v3.4  
Last date amended: 14/04/2015  
Agreed at Personnel Committee  
Date created: 24/01/12

16. Where Chief Executive approval is given, the employee should be provided with written confirmation and asked to confirm if they wish to proceed. If so, a start date for the new hours and/or grade should be agreed, taking into account service provision needs. The manager and employee should complete [Form FR2](#) and submit it to HR who will then in turn forward to the Pension section.
17. The manager will be required to complete a contract variation e-form to enable HR to update the employee's record in i-Trent as well as issue the appropriate documentation to the employee. Once arrangements have been put in place and pension is being paid it cannot be re-calculated and any actuarial reduction cannot be rescinded.
18. If the Director does not approve the request, the manager will provide the employee with written confirmation of the reason(s). An employee who wishes to appeal this decision should submit a request, in writing, to their manager within 7 working days of receiving their outcome letter. The request should outline the reason(s) for their appeal and may include additional information in support of their case, if appropriate.
19. The appeal information will be considered, as soon as possible, by the Director and a HR representative. A meeting to discuss the appeal may be arranged and the employee may be accompanied by a work colleague or trade union representative. The outcome will be confirmed, in writing, to the employee.

Advice is available from the HR services (telephone: 01509 634606 or email: [hr@charnwood.gov.uk](mailto:hr@charnwood.gov.uk)).

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### III-Health Retirement

Ill-health retirement is only available to employees with at least 2 years' LGPS membership whose employment is terminated because of ill-health, or former employees with LGPS deferred pension benefits that no longer have the health and physical capacity to continue in employment. An employee who is retiring on the grounds of ill-health but has less than 2 years' LGPS membership will only be eligible to receive a refund of pension contributions.

Employees who are not LGPS members can be considered for an ill-health assessment by Occupational Health however they will not benefit from the provisions of this policy or the pension scheme.

There are 3 tiers of ill-health benefits available to current scheme members under the LGPS:

Tier	Definition	Pension Benefits
1	No reasonable prospect of the scheme member obtaining gainful employment before normal pension age.	The scheme member receives benefits based on their annual accrued rights up to the date of termination and enhancement equal to all their prospective pension benefits from that date to their normal

		pension age.
2	No reasonable prospect of the scheme member becoming capable of obtaining gainful employment within 3 years of leaving, but likely to do so before reaching normal pension age.	Benefits equal to the annual accrued rights and enhancement of 25% of their prospective pension benefits to normal pension age will be awarded.
3	The scheme member is likely to be capable of obtaining alternative employment within 3 years of leaving, or before normal pension age if earlier.	Benefits equal to their annual accrued benefits payable as a pension for such time as the third-tier member does not obtain gainful employment (or is capable of it), or until the employer stops payments following a review after 18 months. The third-tier pension is payable for a maximum of 3 years.

### Application process for current scheme members

1. The manager should contact the HR team (telephone: 01509 634606 or email: [HR@charnwood.gov.uk](mailto:HR@charnwood.gov.uk)) to discuss whether it would be appropriate to refer the employee to Occupational Health for an ill-health retirement assessment. If it is deemed appropriate for a referral to be made, the manager should meet with the employee to discuss and agree the content of the referral. Where the employee has more than one post with the Council, the referral must include details of all posts as the employee may be deemed to be incapable of continuing in one role, but not the other(s).
2. HR will submit the referral to Occupational Health along with the appropriate ill-health retirement certificates and any supporting documentation. Copies of the relevant blank certificates are available in the Pension Section's [Ill-Health Retirement Guide](#). Where the employee has more than one post with the Council, separate certificates must be submitted for each role.
3. The Independent Registered Medical Practitioner (IRMP) will assess the employee's case to determine whether or not they are, as a result of ill-health or infirmity of mind or body, permanently incapable of discharging efficiently the duties of their post(s).
4. The IRMP will complete the appropriate certificate(s) and provide this to the employee's manager along with any report, via HR. Where the employee has more than one post, any supporting report must confirm whether one or all posts are affected by the decision. There are three possible outcomes:
  - Ill-health retirement is recommended, including which 'tier' of pension benefits applies (certificate A);

- Ill-health retirement is not recommended as the employee is not permanently incapable of discharging efficiently the duties of their current employment (certificate B);
  - Ill-health retirement is not recommended but the employee is permanently incapable of discharging efficiently the duties of their current employment. They are however immediately capable of undertaking other gainful employment (certificate B).
5. HR will write to the employee, usually within 10 working days, to advise them of the outcome of the assessment, including a copy of the certificate and any report. The employee must be advised of their right to [appeal the outcome](#) and the process that they need to follow if they wish to exercise this right.
  6. If the certificate and report indicate that ill-health retirement is recommended (and this is endorsed by the Director), the employee should be provided with written notice that their contract will be terminated on the grounds of ill-health. The employee is entitled to be paid for outstanding contractual annual leave (which may include annual leave from previous annual leave years). In certain circumstances, it may be appropriate to agree with the employee that they will be paid their notice in lieu. As the implications of agreeing to this will vary depending on the individual concerned, the manager/HR will ensure that these are clearly explained to the employee before they confirm agreement.
  7. HR will forward a copy of the employer notification (form I-HNOTN in the [Ill-Health Retirement Guide](#)) to the Pension section along with a copy of the relevant certificate signed by the IRMP.
  8. The manager will terminate the employee's record in i-Trent..
  9. On receipt of the employee's final salary information from payroll, the Pension section will issue the employee with their options letter.
  10. If the certificate and report indicate that the employee is capable of continuing in their current role, they should continue/return to their normal duties (with the application of any identified reasonable adjustments, if applicable). Ongoing monitoring and support should be provided in line with the Attendance Management Policy & Procedure or [Performance Management Policy](#).
  11. If the certificate and report indicates that the employee cannot return to their current role but is capable of undertaking alternative work, the possibility of redeployment should be explored in line with the Redeployment Policy.

### **Application process for deferred scheme members**

1. The deferred member should write to the HR team to request the early payment of their deferred benefits on the basis that they believe that they have become permanently incapable of performing the duties of their former post by reason of ill-health.

2. HR will submit a referral to Occupational Health along with the appropriate ill-health retirement certificates (based on when the individual's scheme membership ceased) and any supporting documentation. HR will confirm the individual's scheme membership end date with the Pension section. Copies of the relevant blank certificates are available in the Pension Section's [Ill-Health Retirement Guide](#).
3. The Independent Registered Medical Practitioner (IRMP) will assess the individual's case to determine whether or not they are, as a result of ill-health or infirmity of mind or body, permanently incapable of discharging efficiently the duties of their former post(s). Where the IRMP requires copies of medical reports from the individual's GP, consultant, etc., the cost of these reports must be met by the deferred member, not the Council.
4. The IRMP will complete the appropriate option on the certificate and provide this to HR along with any report. Where ill-health retirement is recommended, HR will check the certificate to ensure that the date of incapacity is not prior to the individual's scheme membership end date.
5. HR will write to the deferred member to advise them of the outcome of the assessment, including a copy of the certificate and any report. The individual must be advised of their right to [appeal the outcome](#) and the process that they need to follow if they wish to exercise this right. HR will forward a copy of the employer notification (form I-HNOTN in the [Ill-Health Retirement Guide](#)) to the Pension Section along with a copy of the relevant certificate signed by the IRMP.

### **Right of Appeal for Existing Employees and Deferred Members**

If the employee/deferred member wishes to appeal the outcome of their ill-health assessment including the tier awarded, they should submit their request in writing to the HR, within 7 working days of receiving their outcome letter. The request should outline the reasons for appealing the decision and may include further information in support of their case as is felt appropriate.

A second opinion on the ill-health retirement outcome will be obtained. If the second opinion confirms ill health retirement is recommended, the certificate and report are forwarded to the Director for review and possible endorsement. The employee/deferred member will receive written confirmation of their ill health retirement as per the process set out above. HR will forward a copy of the employer notification (form I-HNOTN in the [Ill-Health Retirement Guide](#)) to the Pension section along with a copy of the relevant certificate signed by the IRMP.

Alternatively, if the second opinion does not recommend ill health retirement the employee/deferred member will receive written confirmation of the outcome of their appeal.

If the employee/deferred member is still unhappy with the decision at this stage, they should be advised to contact the Pension section who will discuss invoking the Internal Disputes Resolution Procedure (IDRP).

### **Replacement of an Employee who is Ill-Health Retired**

Employees who are ill-health retired will be given the appropriate notice according to their length of service and will remain in post until the date this notice expires. Where a key post is involved and the delay in appointing a replacement will seriously affect service delivery, the post may be filled with the agreement of the relevant Director.

### **Third Tier Ill-Health Pensions**

Where an employee is granted a tier three ill-health pension, HR is required to undertake an eligibility review after 18 months. The Pension section will write to HR approximately 3 months before the assessment date, to remind them of the required review. Enclosed with that reminder will be an employer declaration and a review certificate (for the IRMP to complete). All reviews must be completed prior to the 18-month review date.

In order to avoid any unnecessary reviews by Occupational Health, HR will write to the former employee to confirm whether or not they are in gainful employment. If they are, a review will not be required. HR will complete part A of the employer declaration and return it to the Pension section so that the third-tier payments can end. A review will also not be required where an individual reaches their normal pension age prior to the 18-month review; their pension will continue to be paid after the 3 year point.

If the individual advises that there has been no change in their condition or their condition has worsened, they must be referred for a review by Occupational Health. The Independent Registered Medical Practitioner (IRMP) will be asked:

- Whether it is still the case that gainful employment could have been obtained within a reasonable period of leaving the Council's employment (and the precise point at which gainful employment could be obtained); or
- If the individual is judged to be incapable of undertaking gainful employment within a reasonable period but is likely to be able to obtain gainful employment before their normal pension age.

HR will complete part B of the employer declaration and return it to the Pension section along with a copy of the review certificate completed by the IRMP. If the IRMP recommends that an individual's pension should continue for a further 18 months and this takes them beyond their normal pension age, the individual's pension will continue to be paid after the 3 year point.

If the IRMP's opinion is that the individual remains capable of gainful employment within the reasonable period, the Pension section will be advised to stop the third tier payments from the date specified by the IRMP. If a date is not specified, the payments will cease on the third anniversary of the individual's leaving date.

If the IRMP's opinion is that the individual's condition has worsened (and it's due to the same condition that the original assessment was made on) and they are therefore unlikely to be capable of undertaking gainful employment within 3 years of their leaving date, this will result in the individual being uplifted to tier two from the 18 month point onwards. There is no option available to uplift to tier one. An individual can submit a request to have their eligibility for tier two to be considered as long as it is either during the third tier payment period or within 3 years of their third tier payments being stopped. If the individual's worsened ill-health is due to a separate condition to the one on which the

original assessment was based, an application for the pension to be re-instated can be considered however there would be no uplift to the benefits.

Scheme members must notify HR immediately, in writing, if they obtain new employment prior to the 18-month review date. Pension payments will be stopped if this is deemed to be 'gainful employment'. If the individual fails to advise the Council of any new employment and pension payments continue to be made, the Council will pursue the recovery of any overpayments.

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## Pension Release Due to Voluntary or Compulsory Redundancy

Information regarding the release of an employee's pension as a result of voluntary or compulsory redundancy is contained within the [Organisational Change Policy and Procedure](#).

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## Pre-Retirement Course

Employees who are considering retirement may have the opportunity to attend the 'Planning a Positive Retirement' course at no cost to themselves. Courses are currently demand lead and employees should register their interest with the Learning and Organisation Development Service through line managers. Paid time off will be granted to employees attending this course.

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## Appendix A - Glossary of Common Terms

**Scheme Member / Member** - An employee who is currently a member of the Local Government Pension Scheme (LGPS) or an ex-employee who has deferred pension benefits within the LGPS.

**Normal Pension Age** - For LGPS pension purposes, 'normal' pension age is linked to an employee's state pension age (but with a minimum of age 65).

**Actuarial reduction** - A reduction of the pension benefits based upon the pension the member would have received had they retired at their normal pension age.

**Capital / Strain costs** - Capital costs are the strain on the Pension Fund that arises in cases that result in the early payment of pension benefits. These costs could be substantial and are recharged to the employing department.

**Gainful employment** - Paid employment for not less than 30 hours per week for a period of not less than 12 months.

**Independent Registered Medical Practitioner (IRMP)** - Is an independent registered medical practitioner qualified in occupational health medicine, who provides an independent service for Charnwood Borough Council managers and employees.



**Permanently incapable** - This is defined as meaning that the scheme member will, more likely than not, be incapable of obtaining gainful employment until at the earliest, their normal pension age. In addressing questions about permanency, whether in terms of the local government employment or gainful employment elsewhere, consideration must be given, not to the immediate or foreseeable future, but to the date when the member attains their normal pension age.

**Reasonable period** - A period of three years.

**85 Year Rule (rule of 85)** - Where age and scheme membership totals 85 years. The 85 year rule has been removed with effect from October 2006. Active members on 30th September 2006 retained some protections against the removal of the 85 year rule. In their case; benefits in respect of membership before April 2008 will be calculated in accordance with the 85 year rule. For members aged 60, and able to achieve the 85 year rule, before 1st April 2016, all benefits in respect of membership before April 2016 will be calculated in accordance with the 85 year rule. Further information about the rule of 85 can be obtained using the link provided: <https://www.lgpsmember.org/your-pension/planning/taking-your-pension/the-85-year-rule/>. It is advisable to contact the pensions department should you have any further questions in regard to the rule of 85.

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**Flexible Retirement Application Form**

SECTION A - To be completed by the employee		
Full Name:		Employee Number:
Job Title:		Grade:
Department/Team:		
<b>Please indicate whether you wish to reduce your hours, grade or both:</b>		
Hours	<input type="checkbox"/>	Must be reduced by a minimum of 40%
Grade	<input type="checkbox"/>	Must be reduced by at least one grade
Both	<input type="checkbox"/>	See above
<p><b>Reduction in hours</b> - please provide details of your proposed new working pattern (days, hours, times worked, etc.)</p>   		
<p><b>Reduction in grade</b> - please provide details of your proposed reduction in grade including details (title, grade, section, etc.) of the post you wish to transfer into</p>   		
<p><b>What is the reason for your request?</b></p>   		
<p><b>Benefits of your request</b> - please explain what you expect the benefits will be if your request is approved (include both personal benefits as well as those for the Council)</p>   		

<b>Impact of your request</b> - please identify any potential service delivery issues and explain how these could be addressed/resolved	
<b>Date you would like your flexible retirement to take effect:</b>	
Signed:	Date:

<b>SECTION B - To be completed by the employee's manager</b>	
I support this request subject to confirmation of pension capital costs	
I do not support this request (for the reasons shown below)	
<b>Rationale for declining the request</b>	
<b>Alternative proposals discussed</b> (if applicable)	
Manager's Name:	Signed:
Date:	

<b>SECTION C - To be completed by the employee's manager if the initial request is supported</b>	
There is a cost for the release of the employee's pension (see attached)	

No cost for the release of the employee's pension (see attached)	
<b>Repayment of costs</b> - please explain how the capital cost amount would be recouped if DMT were to agree the employee's flexible retirement	

<b>SECTION D - DIRECTOR &amp; HR/FINANCE AUTHORISATION</b>	
Where there is a cost for releasing the pension, HR and Finance advice must be sought BEFORE the request is forwarded to the Director for consideration	
Recommendation from Director:	
<b>Director Decision</b>	
The employee's request is agreed	
The employee's request is not agreed	
<b>Rationale for declining the request</b>	
Name:	Signed:
Date:	

## PERSONNEL COMMITTEE - TUESDAY, 10 OCTOBER 2023

### Report of the Director Finance, Governance and Contracts

#### Part A

##### REASONABLE ADJUSTMENT PASSPORT

##### Purpose of Report

Personnel Committee to agree to the introduction of the Reasonable Adjustment Passport and Reasonable Adjustment Summary Document and the associated proposed amendments to the Attendance Management Policy and the Attendance Management Guidance.

##### Recommendation

That Personnel Committee agree to the introduction of the Reasonable Adjustment Passport and Reasonable Adjustment summary and the associated proposed amendments to the Attendance Management Policy and the Attendance Management Guidance.

##### Reason

To provide managers and employees with a clear document to accurately consider and reflect any agreed reasonable adjustments to support an employee in the workplace.

##### Policy Justification and Previous Decisions

The Reasonable Adjustment Passport and Reasonable Adjustment Summary are new documents to be introduced to enable reasonable adjustments to be clearly considered, discussed and agreed as appropriate. The Attendance Management Policy and Attendance Management Guidance will need to be updated to reflect the introduction of the Reasonable Adjustment Passport.

##### Implementation Timetable including Future Decisions

The decision will come into effect immediately following agreement at Personnel Committee and be published on the Council's intranet.

##### Report Implications

##### ***Financial Implications***

There are no financial implications with this decision.

##### ***Risk Management***

There are no specific risks associated with this decision.

***Equality and Diversity***

None identified.

**Climate Change and Carbon Impact**

None identified.

***Crime and Disorder***

None identified.

**Wards Affected**

Not applicable.

***Consultations***

Not applicable.

**Links to the Corporate Strategy**

Caring for the Environment	No
Healthy Communities	No
A Thriving Economy	No
Your Council	No

Background Papers:

Retirement Policy and Procedure.

Officers to contact:

Sally Dobrowolska  
Charnwood HR Manager, Senior HR Advisor  
Tel: 01509 634605, Tel: 0116 3058355  
sally.dobrowolska@leics.gov.uk

## Part B

### Background

1. The Reasonable Adjustment Passport was raised at a Joint Trade Union Management (JMTUM) meeting by the GMB union as it is a tool they have developed and encourage employees to consider. A commitment was made to review this document and it was agreed that it would provide the Council with a supportive tool for employees to discuss and agree reasonable adjustments with their manager, should they choose to do so.
2. A Reasonable Adjustment Summary document has also been produced to offer further guidance to all employees when considering any reasonable adjustments. It is proposed that this be available on the Councils HR policy page of the intranet.
3. The Reasonable Adjustment passport has been designed to provide a documented record of an employees individual need and agreed reasonable adjustments. It is intended to be a supportive document with the aim of helping employees to work to their full potential.
4. The information provided in the reasonable adjustment passport is confidential to the employee and manager, with a copy being held on the employees HR record. Completion of the passport is voluntary.
5. Employees are advised to share the passport with any new line manager so that they have awareness of the required adjustments and individual circumstances.
6. If an employee undertakes a new role at any point during their employment it may be necessary to review the reasonable adjustments to determine if they are still adequate to remove any barriers in the new position.
4. Alongside gaining agreement at JMTUM, the Equalities Group were also asked to consider both documents and were supportive of the approach being proposed. They asked that further consideration be given to including a link in the Personal Review process in the health and wellbeing section and, subject to agreement at Personnel Committee, this will be developed further.
5. To reflect the introduction of the proposed passport the Attendance Management Policy has been updated on page 3 and the Attendance Management Guidance has been updated on page 5.

### Appendices

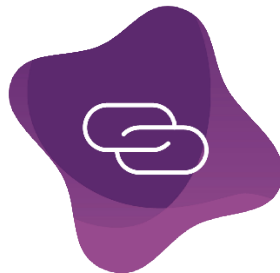
- A. Reasonable Adjustment Passport
- B. Reasonable Adjustment Summary
- C. Attendance Management Policy
- D. Attendance Management Guidance



# Reasonable Adjustment Passport



**Pride in Charnwood**



**Working Together**



**Customer Focused**



The reasonable adjustment passport has been designed to provide a documented record of your individual needs and agreed reasonable adjustments. This is intended to support you to function to your full potential in a supportive and encouraging environment.

The information provided in the reasonable adjustment passport is confidential to you and your manager. In addition, a copy of the passport will be held on your HR record. The passport will not be shared with anyone else without your express written consent.

If during the course of your employment you have a new line manager, you are advised to share the reasonable adjustment passport with them. This will ensure that they have awareness of your required adjustments and individual circumstances. You can do this by sharing the passport or meeting with the manager to discuss this and the passport further.

If you undertake a new role at any point during your employment with the Council, it may be necessary to review the agreed reasonable adjustments to determine if they are still adequate to remove any barriers in the new position.

Please complete the table below and sign to confirm your agreement to the information outlined within the passport.

Name:	
Signature:	
Date:	
Line Manager:	
Signature:	
Service Area:	
Directorate:	

Please complete the sections below and discuss with your manager. Your manager will need to consider the information provided and requests for any reasonable adjustment. Agreed reasonable adjustments should be set out in this final version of the reasonable adjustment passport.

## Reasonable Adjustment Details

**My health condition or impairment interacts with barriers within and/or outside the workplace to create the following impact(s) on me at work:**

This could include:

- Effect on co-ordination, dexterity or mobility
- Effect on mental health
- Effect on hearing, speech or visual impairment
- Effect on my ability to interact socially with colleagues
- Effect of particular working environments

An example of a response might be:

*If my role requires me to stand for long periods of time, then this will create a barrier for me due to my coordination/dexterity/mobility condition.*

If any additional advice has been given in relation to your disability, please outline the details (ex, occupational health). Please attach any such information to this document.

Advice Provider Details	Date of Advice	Summary of Advice and any Implementation Date

## Agreed Reasonable Adjustments

Work Activity	Adjustment Needed Y/N	Nature of Adjustment	Comments

## Review

The passport and agreed reasonable adjustments should be reviewed six months after your adjustments have been put in place to ensure they are removing any identified workplace barriers. Where they have not been put in place or have not proved as useful to you as initially anticipated, this meeting would ensure adjustments can be actioned or new adjustments could be considered.

Further reviews will be at our request, or if there is any change to your job which might create additional barriers, to ensure the adjustments are still appropriate and effective in eliminating workplace barriers.

You may be accompanied by your trade union representative at the review meetings.

<b>I believe there have been the following changes in my condition/impairment (and/or changes to my situation which impact on my condition/impairment) and require the following changes to be made to the current agreed adjustments.</b>			
<b>Proposed Adjustment</b>	<b>Agreed Y/N</b>	<b>Your Signature</b>	<b>Workers Signature</b>

# Reasonable Adjustments

(Appendix B)

# What is a Reasonable Adjustment?

- Under the Equality Act 2010 employers are required to make ‘reasonable adjustments’ so that a disabled person has the same opportunity to do a job as a non-disabled person.
- Barriers can include both attitudes, organisational and environmental factors.
- Managers must make reasonable adjustments to ensure workers with disabilities, hidden disabilities or challenges are not disadvantaged and have taken steps to remove, reduce or prevent obstacles the employee or job applicant faces.
- Factors such as the **cost and practicability** of making an adjustment and the resources available to the employer may be relevant in deciding what is reasonable.

## Definition of Disability under the Act

- The general definition of disability for the purposes of the Act is a physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day to-day activities.
- The Act defines long-term in this context as having lasted or being likely to last for at least 12 months or the rest of the person's life. Substantial is defined as more than minor or trivial.
- Occupational Health can help determine if a physical or mental impairment meets the definition of disability under the Act and can provide further advice in relation to managing an employees disability.



## Examples of Reasonable Adjustments

- Making changes to the workplace
- Allowing a change to working arrangements
- Working from home
- Providing additional training or supervision
- Providing equipment, services or support
- Redistributing tasks to suit individual circumstances

Reasonable adjustments are specific to an individual person and they can cover any area of work.

## Deciding what is reasonable

Unfortunately, there is not a clear checklist to follow when considering what might be reasonable.

The manager and employee should discuss reasonable adjustments to ensure that up to date, appropriate and practical reasonable adjustments are put in place.

There are a number of issues which should be considered:

- How effective the change will be in removing or reducing the disadvantage the disabled employee would otherwise experience?
- Is the adjustment practical; will it actually work?
- What are the financial costs and are they reasonable?
- Will it harm the health and safety of others?
- Are there any health and safety implications and can they be managed?

Managers can seek advice from HR / H&S when deciding if an adjustment is reasonable.

## Process for Arranging Reasonable Adjustments

- The manager and employee should discuss what adjustments are needed within the workplace. Employees may be accompanied by a trade union representative at this meeting.
- This information discussed should be treated sensitively and confidentially.
- Once a reasonable adjustments is agreed, the manager is responsible for arranging the reasonable adjustment in a timely manner.
- If the adjustment is straightforward, there may not be a need to involve anyone else but further advice can be sought from HR or Health and Safety.
- A **reasonable adjustment passport** should be used to record what reasonable adjustments will be put in place.
- If it's not clear what adjustments you need, your manager can contact HR or H&S.
- HR or H&S can help with signposting to help you to get the right support.
- The H&S team can also provide support with carrying out a risk assessment of your role to help identify reasonable adjustments and control measures to help keep you safe.
- A specialist assessment may be needed to help identify what adjustments are needed.

# Reasonable Adjustment Passport

- A **reasonable adjustment passport** is a record of adjustments agreed between an employee and their manager to provide support at work because of a health condition, impairment or disability.
- Completion of the reasonable adjustment passport by the employee is voluntary.
- It will initially be used to aid discussion on reasonable adjustments and to help determine what adjustments might be reasonable to implement.
- Once a reasonable adjustment has been fully considered and agreed by the manager, a final signed version of the passport should be held by the employee and their manager, with a copy retained on their HR record.
- The passport and any agreed reasonable adjustments should be reviewed six months after the adjustments have initially been put in place.
- Further reviews will be at the employees request, and/or when there is any change to an employees job that might create additional barriers.

## Change of Line Manager or New Role

- Employees are asked to share the reasonable adjustment passport with a new line manager.
- This will ensure that the new line manager has awareness of the employee's required adjustments.
- It will also ensure that information relating to individual circumstances is available to the new manager without the need to repeat potentially difficult conversations or situations.
- This however does not take away the right to have that discussion, should this be the preferred option.
- If the employee is in a new role it may be necessary to review the agreed reasonable adjustments to determine if they are still adequate to remove any barriers in the new position.

# HR, H&S and Occupational Health Support

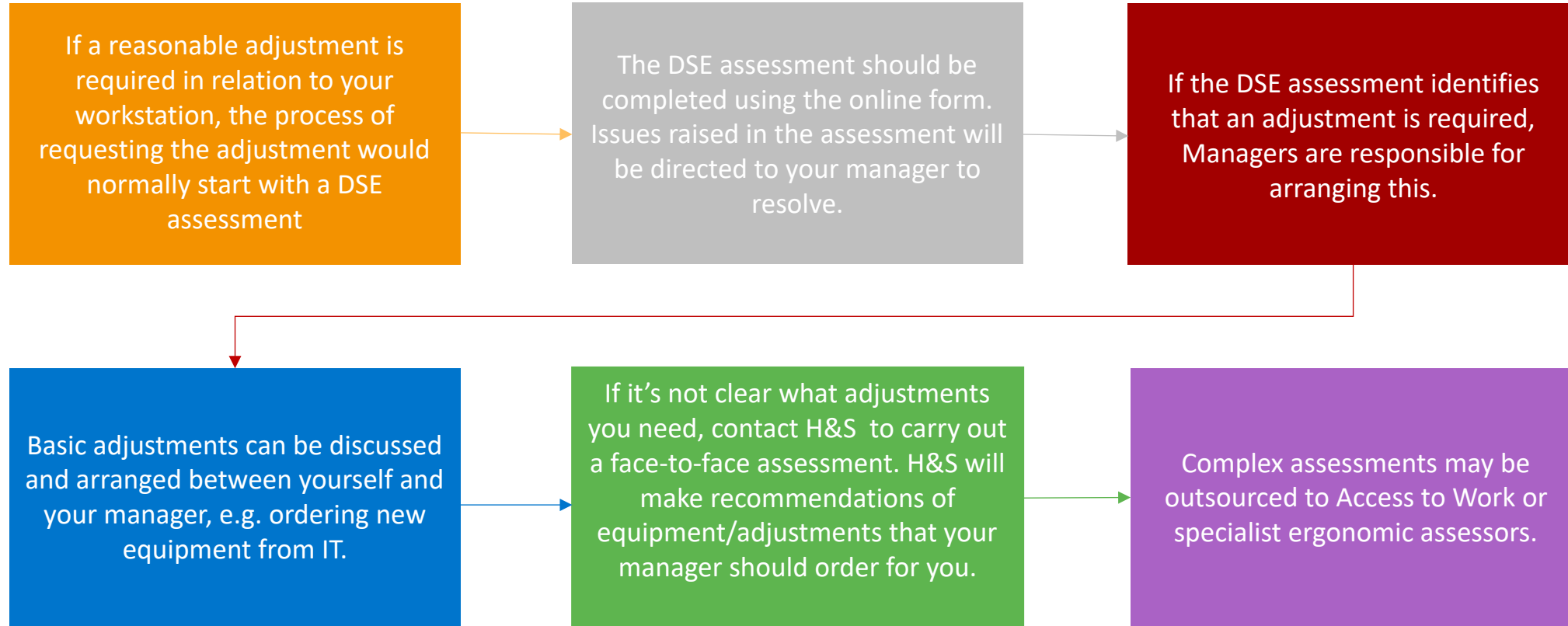
Managers in receipt of requests may wish to seek advice:

- Managers can contact the HR Team via [HR@charnwood.gov.uk](mailto:HR@charnwood.gov.uk) or Health and Safety via [healthandsafety@charnwood.gov.uk](mailto:healthandsafety@charnwood.gov.uk).
- Advice can also be obtained from our independent Occupational Health Provider.
- This can inform a manager to identify possible adjustments that could be made to support an employee in the workplace.
- It is important to note that the dialogue between the employee and the manager is key, and all requests for reasonable adjustments will be fully considered by the employer.

## Access to work

- Access to Work is a government scheme that can help people with a physical or mental health condition or disability to get or stay in work.
- Support can be provided where someone needs support or adaptations beyond reasonable adjustments.
- Someone might be eligible for:
  - a grant to help pay for practical support with work
  - advice about managing mental health at work
- Employees can get support with the extra costs of working because of their disability or long-term health condition. e.g. aid and equipment in the workplace, money towards travel costs etc.
- Shared costs: For organisations with more than 250 employees Access to Work will normally refund 80% of the approved costs between £1000 and £10,000.
- Employees can apply to [Access to Work](#) online or by phone on 08001217479.

# Workstation Adjustments





## What if your adjustment has been turned down?

If your manager has refused to make an adjustment which you feel was a reasonable request, the following options are available;

- Contact HR and or H&S.
- You could contact Access to Work who can support with funding of adjustments not covered by reasonable adjustments.
- Contact your Union representative.

# Reasonable Adjustments

Contact details for HR  
[HR@charnwood.gov.uk](mailto:HR@charnwood.gov.uk)

## Attendance Management Policy and Procedure

### 1 Scope

This document applies to all employees of Charnwood Borough Council employed under the Joint Negotiating Committee for Local Government Services (JNC), National Joint Council for Local Government Services (NJC) and Joint Negotiating Committee for Local Authority Craft and Associated Employees (Craft).

Further information on the application of the policy is available in the supporting [Guidance](#) and this policy should be read in conjunction with that document.

It is not applicable to employees within their probationary period or casual workers.

### 2 Purpose

The purpose of the Council’s Attendance Management Policy and Procedure is to provide a supportive framework for employees where a shortfall in attendance has been identified in order to assist employees to improve, reach and maintain the standard of attendance expected within their area of work.

It is acknowledged that, at times, employees need to take time off work due to personal illness or injury. The Council provides appropriate paid (or in some instances unpaid) leave in such circumstances and expects its employees to respond by ensuring they take reasonable care of their health and attend work unless they are unable to do so.

## 3 Roles and Responsibilities

<b>HR Services</b>	HR Services will provide advice, coaching and support to managers on the application of the Policy and Procedure. HR will also act as panel members at hearings and will express a view on whether the case is founded and make recommendations about the appropriate outcome.
<b>Line Manager or Management Representative</b>	Will support and manage the employee through the process and will normally act as the management representative if a hearing is convened.
<b>Chair of the Panel</b>	The Chair of the panel will manage the hearing and notify the employee of the decision. They will also normally present the case if the employee exercises their right to appeal against that decision.
<b>Panel Members</b>	Will support the Chair of the panel and express a view on whether the case is founded and make recommendations

	about the appropriate outcome.
<b>Trade Union Representative or Work Colleague</b>	To support and advise, if appropriate, the employee. At a hearing this may include presenting the employee's case, summarising and conferring with the employee and responding to points on behalf of the employee. The Trade Union or work colleague cannot answer questions put directly to the employee.

#### **4 Short Term / Frequent Absences**

This is described as an employee having regular periods of sickness absence from work on health grounds. This is normally 3 or more absences in a 6 month period, but will depend on the circumstances.

#### **5 Long Term Absence**

This is normally defined as being a continuous absence of 4 weeks or more, which is medically certified and attributable to an underlying medical condition or specific reason.

#### **6 Monitoring of Employee Attendance**

All absences should be reported, recorded, monitored and analysed on an ongoing basis in order to identify problems, review individual cases and decide upon any appropriate action.

Absences which may require further attention / investigation, may include, but will not be limited to the following:

- Three periods of absence in 6 months;
- A pattern of absence e.g. regular Friday / Monday absences or linked to annual leave;
- Two long periods of absence (which is over 1 week but less than 4 weeks) in a 6 month period;
- A long term absence of 4 weeks or more;
- A stress related absence or reoccurrence of a stress related absence;
- Regular repetition of the same / similar type of illness.

Authorised absence (e.g. unpaid leave) should not be counted towards the 'triggers' shown above.

#### **7 Return to Work Meetings**

Managers should complete a return to work interview with employees following every period of absence. In many cases the meeting may be as brief as a quick chat to ensure the employee is fit to return, welcome them back to work and provide any support that could help them.

#### **8 Support Mechanisms**

Managers may wish to explore the following options:

- a) Referral to Occupational Health to seek medical advice and opinion.

- b) Rehabilitation / Phased Return to Work Plan to assist the employee to return back to work on a planned and phased basis, usually following a medical recommendation.
- c) Reduction in Hours to assist the employee to return back to work on a temporary or permanent basis, which must be mutually accommodated and agreed. The employee's contract of employment will then be changed accordingly.
- d) Flexible Working this would enable employees to adjust their working arrangements on a temporary basis where this can be accommodated by the service. Adjustments may include an element of home working or a different pattern of work.
- e) Temporary Redeployment to a different role to enable the employee to return to work.
- f) Preferential Treatment Status where applicable, to obtain alternative work on the Council's redeployment register to enable the employee to return back to work. If the employee is appointed to another post, there will be no entitlement to pay protection or additional travel expenses.
- g) Reasonable Adjustments to support the employee in their role and to improve their attendance levels.
- h) Reasonable Adjustment Passport
- h)i) A reasonable adjustment passport is a voluntary record of adjustments agreed between an employee and their manager to provide support at work because of a health condition, impairment or disability.
- i) Amica Counselling Service to access counselling and support on a range of issues (e.g. financial worries, family concerns, work-related problems, etc).

## 9 Employee's with a Disability

Consideration should be given as to whether an employee's level of attendance is due to a disability, and if so, what reasonable adjustments may be needed to assist the employee in being able to reach the acceptable level of attendance. If an underlying disability is suspected an Occupational Health referral is usually required for advice on reasonable adjustments. Further advice should be sought from HR Services.

## 10 Employees with a Serious Medical Condition

The Council recognise that employees can develop serious medical conditions which can affect their attendance at work. This may be evident through long-term or short term frequent absences. Managers should be particularly sensitive and supportive to employees in these circumstances, working with HR to provide appropriate supportive measures as outlined above. Managers should also give due consideration, taking into account advice received from Occupational Health, to when it is appropriate to adopt different stages within the policy. Where possible, solutions should be sought, which are beneficial to both the employee and the service.

If an employee is diagnosed as having a terminal illness, then managers should refer to the 'Dying to Work' charter which the Council has adopted.

## 11 Sickness Absence during Pregnancy

If the employee is off work ill, or becomes ill, with a pregnancy related illness during the last four weeks before the expected week of child birth (EWC), maternity leave will normally

commence on the day after the first day of absence. Pregnancy related absences during this period may be disregarded at the manager's discretion.

Sickness absence prior to the last four weeks before the EWC, supported by either a fit note or a self-certificate, shall be treated as sickness absence in accordance with normal sickness absence provisions. However, pregnancy related absences may be disregarded for the purpose of invoking the formal stages of the policy and for any future employment related decisions.

## **12 Annual Leave and Bank Holidays**

Annual leave will continue to accrue during sickness absence. Employees on long term sickness absence (i.e. over 4 weeks) will also accrue their public holiday entitlements.

## **13 Links to Disciplinary Policy and Procedure**

Where sickness absence patterns emerge and where it is believed that absences are not attributed to genuine sickness, this will be investigated through the [Disciplinary Policy and Procedure](#).

## **14 Escalation to Stage 4**

In most cases there will be four stages to the attendance management process. However, there may be occasions in cases of long term sickness absence where the medical reports indicate that a return to work is not possible within a reasonable time period. In these circumstances the manager must ensure that all avenues of support such as [ill health retirement](#) and [redeployment](#) have been exhausted as applicable, but may proceed to Stage 4 of the attendance management process without completing all and/or any of the other three stages. Where the manager wishes to progress to Stage 4 before the preliminary action stage has been completed, this must be agreed by the employee. The employee should ensure that they are in receipt of all appropriate information before making the decision. Advice must be sought from Strategic HR before escalating to Stage 4.

## **15 Stage 1 Preliminary Action**

If there are concerns regarding an employee's level of attendance, the manager will arrange a meeting with the employee to review their absence record and if relevant, draw up a [support plan](#). A review period should be agreed (which will vary in individual cases, but generally this will be between 4 and 8 weeks) and [support mechanisms](#) considered.

It is not usual practice for an employee to be accompanied at this stage. However, if the manager or employee feels that it would be appropriate, the employee may be accompanied by a work colleague or Trade Union representative.

A meeting should be held with the employee at the end of the review period to determine whether the support plan has been achieved. If the employee has not achieved the level of attendance required by the end of the review period, the line manager may consider progressing to Stage 2 of this procedure.

However, if the employee has made sufficient improvement, the attendance management procedure will cease. If the improvement is not sustained for 4 months from the end of the review period then the manager may progress to Stage 2 of this procedure.

Brief notes of all meetings should be taken to record what has been discussed and a copy provided to the employee for their agreement.

## 16 Stage 2 – Formal Action

Where there are continuing concerns over an employee's attendance, the manager will invite the employee to attend a Formal Attendance Management Meeting. Ten working days' notice will be given for this meeting, the purpose of which is to establish the facts, to allow the employee to respond to concerns about their attendance and if applicable, put further support mechanisms in place. The employee has the right to be accompanied by a work colleague or Trade Union representative. Notes should be taken at this meeting and a copy will be sent to the employee for their agreement, together with any relevant documents e.g. the agreed [support plan](#).

The person conducting the meeting will:

- Identify the level of attendance not being met, and give clear guidance on the standard of attendance required (support plan);
- Explore any support mechanisms available to help the employee improve their attendance;
- Specify the monitoring and review period for improvement (which will vary in individual cases, but generally this will be between 4 and 8 weeks);
- Advise the employee of the potential outcomes of the meeting noting that failure to improve to the required attendance level within the timescale could lead to the manager arranging an attendance management hearing whereby the employee could be issued with a final written warning.

The employee will:

- Provide an explanation as to any reasons why their attendance is not meeting expectations and explore any factors that may be having an impact (e.g. domestic circumstances, underlying health problems, work concerns, etc.);
- Identify any support mechanisms that they feel may help them to improve their attendance.

## 17 Review Meeting

A review meeting will be held at the end of the support plan period. Employees have the right to be accompanied by a work colleague or Trade Union representative. Notes should be taken at this meeting and a copy will be sent to the employee along with a letter confirming the outcome of the meeting.

Both the person conducting the meeting and the employee will have an opportunity to present evidence to support their position.

The potential outcomes of the meeting are:

- If the employee has made sufficient improvement, the attendance management procedure will cease. However, if the improvement is not sustained for 9 months from the end of the review period then the manager may recommence at [Stage 3](#) of this procedure.



- If some improvement has been made and further progress is likely, it may be appropriate to extend the review period by 4-6 weeks. In the majority of cases it will be appropriate to extend the review period just once during the attendance management process.
- If no, or insufficient improvement has been made, the employee will be advised that a Stage 3 Attendance Management Hearing will be arranged at which they could be issued with a Final Written Warning.
- If applicable, escalation to a Stage 4 Attendance Management Hearing (see No. 14 above).

## 18 Stage 3 – Final Action

### Attendance Management Hearing

The manager will be responsible for arranging a panel which will be chaired by a Senior Manager (PO Grade or above), supported by a further Senior Manager and a representative from HR Services, who will act as panel members. All of the panel should have had no prior involvement in the employee's case. The manager should also arrange a note-taker. In cases that could potentially lead to dismissal, the Chair should be Head of Service level or above.

Ten working days written notice will be given to attend the formal hearing in which the employee will be informed of the reasons for the hearing and their right to be accompanied by a work colleague or Trade Union representative. The letter should state that a potential outcome of the hearing is a final written warning. Employees should also receive copies of relevant documentation e.g. support plan(s), notes of meetings, etc. within an evidence folder. Employees will also be given an opportunity to provide evidence and this must be submitted to the Chair of the panel at least 5 working days before the date of the hearing. Details of the format the hearing should take can be found in the supporting [Guidance](#).

The panel may find:

- The level of attendance is acceptable;
- It is appropriate to issue the employee with an extension (4-6 weeks) to the review period of the support plan agreed during [Stage 2](#). This should only be considered if an extension has not previously been given during the attendance management procedure or in exceptional circumstances. The panel will reconvene at the end of the extension period;
- The level of attendance is not acceptable. If the panel are satisfied that the employee has been unable to improve their attendance to the required standard, they will issue the employee with a final written warning. Within 7 days of the hearing, the manager should meet with the employee to agree a further [support plan](#) and review period. A date and time should also be agreed for the final (and any mid-

point) review meeting. The panel may wish to make recommendations at the hearing regarding the contents or duration of the support plan;

The employee should receive written confirmation of the outcome of the hearing including information on their right to appeal the decision.

## **19 Final Written Warning**

Where an employee has received a Final Written Warning, this will remain on their file for 12 months.

## **20 Right of Appeal**

An employee has the right to appeal against their final written warning and it must be submitted in writing by the employee within 7 working days of receiving notification of the hearing. For further information, please refer to the [Appeal Policy](#).

## **21 Review Meeting**

A review meeting will be held at the end of the support plan review period. The employee has the right to be accompanied by a work colleague or Trade Union representative. Notes should be taken at this meeting and a copy will be sent to the employee together with a letter confirming the outcome of the meeting.

The potential outcomes of the meeting are:

- If the employee has made sufficient improvement, the attendance procedure will cease. However, if the improvement is not sustained within 12 months from the end of the review period then the manager may recommence at Stage 4 of this procedure;
- If some improvement has been made and further progress is likely, it may be appropriate to extend the review period by 4-6 weeks. This should only be considered if an extension has not previously been given during the attendance management procedure;
- If no, or insufficient, improvement has been made, the employee will be advised that a Stage 4 Attendance Management Hearing will be convened to consider the case and that a potential outcome is dismissal.

## **22 Stage 4 – Attendance Management Hearing**

The manager will be responsible for arranging a panel, chaired by a Senior Manager (PO Grade or above), supported by a further Senior Manager and a representative from HR Services, who will act as panel members. All of the panel should have had no prior involvement in the employee's case. In cases that could potentially lead to dismissal, the Chair should be Head of Service level or above.

If a hearing has already been held under Stage 3 of the procedure then, where possible, the same panel should be used for this hearing. The manager should also arrange a note-taker.

Ten working days written notice will be given to attend the hearing in which the employee will be informed of the reasons for the hearing and their right to be accompanied by a work colleague or Trade Union representative. The letter should state that a potential outcome of the hearing is dismissal. Employees should also receive copies of relevant documentation e.g. support plan(s), notes of meetings, etc. within an evidence folder. Employees will also be given an opportunity to provide evidence and this must be submitted to the Chair of the panel at least 5 working days before the date of the hearing. Details of the format the hearing should take can be found in the supporting [Guidance](#).

The panel may find:

- The level of attendance is acceptable;
- It is appropriate to issue the employee with an extension (4-6 weeks) to the review period of the support plan agreed during [Stage 3](#). This should only be considered if an extension has not previously been given during the attendance management procedure. The panel will reconvene at the end of the extension period;
- The level of attendance is not acceptable. If the panel are satisfied that the employee has been unable to improve their attendance to the required standard, having considered the grounds of the appeal including any reasons for the failure to reach the required standard, it is likely that they will dismiss the employee from the Council's employment with notice.

The employee will be notified in writing of the outcome of the hearing including their right of appeal. If the employee has been dismissed, the letter should include the reason for the dismissal and the employee's termination date. A copy of the notes from the hearing should also be provided.

## 23 Right of Appeal

An employee has the right to appeal against their dismissal from the Council and it must be submitted in writing by the employee within 7 working days of receiving notification of the hearing. For further information, please refer to the [Appeal Policy](#).

## Attendance Management Guidance

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## Purpose

This guidance should be used in conjunction with the [Council's Attendance Management Policy and Procedure](#).

## Reporting of Sickness Absence

It is essential that managers are familiar with the Council's procedure for reporting sickness absence and are clear about their responsibilities in ensuring that employees are aware of

and comply with the procedure. It is recommended that new employees are informed of the procedure during induction training. A copy of the sickness absence reporting procedure is attached at [Appendix A](#).

### **Failure to Report an Absence**

If the employee fails to report an absence in line with [Appendix A](#), then the employee will be deemed 'absent without authorisation'. The employee will not be paid for this period of absence. This should be confirmed in writing to the employee. A template letter is attached at [Appendix B](#).

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## **Recording and Monitoring of Employee Attendance**

Effective record keeping is an essential management tool for monitoring employee absence. It provides important information to enable managers to:

- Assess levels of absence against key indicators;
- Manage sickness absence effectively and increase attendance levels by supporting employees to remain at or return to work;
- Identify problems so that they can be addressed at an early stage;
- Make informed decisions so that there is no disruption to service provision;
- Identify trends and any underlying issues which may need to be addressed on an individual and/or group level.

In all cases a self-certification eform must be completed and submitted by the employee. A copy of the completed form will be sent to both the employee and the manager for their records.

Managers are responsible for inputting sickness absence directly into iTrent. This will provide them with access to real-time information regarding sickness levels in their area and thereby help them to identify at an early stage any trends that may need addressing or individual cases that should be managed under the [Attendance Management Policy and Procedure](#).

Managers should ensure that medical information about employees is treated in absolute confidence and only relevant information should be shared with colleagues on a strictly need to know basis only.

Other leave of absence (e.g. compassionate leave, unpaid leave, etc.) should be recorded separately. Managers will need to complete the appropriate e-form available on the intranet. Employees will need to record the absence on iTrent.

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## **Maintaining Contact during Employee Absence**

Throughout any period of absence it is important to maintain regular contact with the employee in order to offer them appropriate support and assistance. The extent, frequency and method of this contact will need to be judged on a case by case basis.

Although communication is a two way responsibility between the manager and the employee, in some cases, because of the nature of the illness, it may be necessary to agree that contact with the employee will be made indirectly through a third party (e.g. Trade Union representative, partner, or close relative).

However it is managed, the important principle is that some reasonable level of contact with the employee is maintained whether this is by telephone, in person, e-mail, or letter. This will ensure that all parties are kept informed of progress regarding particular issues including a timescale for return. A brief record of the contact made should be kept.

Further information and advice on maintaining contact can also be found in the [Line Manager Guide on Mental Ill Health and Supporting Employees](#).

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## Fit Notes

Employees must provide medical certificates if they are off sick for more than 7 calendar days in a row (including non-working days). This may be in the form of a GP's "Fit Note". The fit note will advise whether the employee is 'not fit for work' or 'may be fit for work'. Managers should ensure that a copy of the fit note and a summary of any related discussions are uploaded into the employee's record on i-Trent. The original copy of the fit note should be returned to the employee.

### Not Fit For Work

This means that the employee should refrain from work of the kind associated with their job. If an employee requests to return to work before their 'not fit for work' note expires, manager should seek advice from HR Services before agreeing to the request.

### May Be Fit For Work

This means that the employee may be able to undertake work of some kind. The Fit Note should advise on what support would be required to support the employee to return to work or to improve their attendance (e.g. amended duties or working hours, workplace adaptations etc.). Managers should meet with the employee as soon as possible to discuss the fit note recommendations and any other support that could be provided. If it is not possible to accommodate the advised measures, the employee should be classed as 'not fit for work'. In which case advice should be sought from HR.

A new fit note confirming this would not be required until the expiry of the current Fit Note.

## Return to Work Meetings

The purpose of this discussion is to:

- Welcome the employee back to work;
- Ensure that the employee is fit to return;
- Discuss the reason for the absence;
- Address any problems that may be causing or contributing to the absence (e.g. workload, work relationships, etc.);
- Identify any support or assistance that could be provided;

- Agree return to work arrangements including work priorities;
- Brief the employee on anything that occurred during their absence;
- Discuss the employee's attendance record and alert them to any action that may need to follow this meeting (e.g. implement or update a [support plan](#), make a referral to [Occupational Health](#));
- Complete and sign off the [Return to Work e-form](#).

As the return to work meeting is part of normal day-to-day management, the employee does not have the right to be accompanied. In many cases the meeting may be as brief as a quick chat to ensure that the employee is fit to return to work and welcome them back.

Managers must complete a return to work interview with employees following every episode of absence. Return to work meetings should normally take place on the employee's first day back, regardless of the length of the absence. If a discussion takes place over the telephone, arrangements will need to be made for the employee to complete the relevant sections of the Self Certification eform. If the employee's manager is absent on their return, responsibility for carrying out the return to work meeting should be passed to another manager.

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## Support Mechanisms

Managers may wish to explore the following support mechanisms, depending on the nature of the case:

### **Amica Counselling and Psychological Support Service**

Employees should be reminded about the availability of [AMICA](#) but they cannot be forced to make contact with them. The service can offer counselling support on a range of issues (e.g. financial worries, family concerns, work-related problems, etc.) and can also signpost employees to other specialist services.

### **Occupational Health Referral**

Occupational Health should be seen as a preventive service with professional expertise to help managers and employees with interventions that may prevent an absence or speed up a recovery. A [referral](#) to Occupational Health can be made at any time. The employee does not need to be off sick or on long term absence. Often an early referral can provide both the manager and the employee with the necessary advice to provide any relevant support and to prevent a period of absence from occurring.

### **Health and Safety Workplace Risk Assessment**

If the employee identifies work-related factors which they feel are contributing to their attendance level then it will be necessary to consider how to address these factors. It may be appropriate to undertake a risk assessment or make some adjustment to the employee's working environment. Health and Safety may be able to provide support and advice on cases or a referral to Occupational Health may be considered. For further advice and information on conducting risk assessments please contact Health and Safety.

## **Supporting Employees with Stress and Mental Illness**

Refer to the [Managers Guidance and Toolkit on Mental Health and Supporting Employees](#). Consider whether it would be helpful to complete a [stress risk assessment](#) or to provide the employee with a [Wellness Support Plan](#).

## **Reasonable Adjustments**

Where the employee has a condition which may be considered a disability, managers have a duty to consider reasonable adjustments. This can include adjustments to the role and to the absence management process itself. Details of information on Access to Work are available in the [Supporting Disabled Employees Guidance](#). Further advice can also be obtained from HR Services.

## **Reasonable Adjustment Passport**

A reasonable adjustment passport is a record of adjustments agreed between an employee and their manager to provide support at work because of a health condition, impairment or disability. Completion of the reasonable adjustment passport by the employee is voluntary. It will initially be used to aid discussion on reasonable adjustments and to help determine what adjustments might be reasonable to implement. Once a reasonable adjustment has been fully considered and agreed by the manager, a final signed version of the passport will be held by the employee and their manager, with a copy retained on their HR record. The passport and any agreed reasonable adjustments should be reviewed six months after the adjustments have initially been put in place. Further reviews will be at the employees request, and/or when there is any change to an employees job that might create additional barriers.

## **Rehabilitation / Phased Return to Work**

Consideration should be given as to whether a rehabilitation / phased return to work plan might be appropriate to support the employee. This could include a variety of interventions, for example:

- Job shadowing;
- Reduced hours - incrementally increasing over a period of time;
- Refresher training;
- Light duties.

As a guide, a rehabilitation / phased return to work plan would not run for longer than 6 weeks. During this period the employee will receive full pay. If, at the end of the 6 week period the employee has not returned to their substantive hours, the manager will need to consider next steps. This may include the employee temporarily reducing their contracted hours or extending their phased return for a short period by using annual leave to cover the shortfall in hours.

## **Reduction in Working Hours**

In order to support the employee to either return to, or improve their attendance at work, it may be appropriate to consider a reduction in their working hours. This would need to be mutually agreed and can be on a temporary or permanent basis. A [variation to contract e-form](#) would need to be submitted so that the employee's contract of employment can be changed accordingly.



## Redeployment

It may be appropriate to consider redeployment into an alternative vacant post, either on a permanent or temporary basis, to enable the employee to return to or remain at work. This should be undertaken in conjunction with the formal absence management procedure. Where it is agreed by both the manager and the employee that suitable alternative employment would be an option to resolve the situation, the employee will be given [Preferential Treatment Status](#) in accordance with the Redeployment Policy and put on the Council's Redeployment Register. If the employee is appointed to another post, it will be the pay and conditions of the new post which will apply. There will be no entitlement to pay protection or additional travel expenses. Further information and advice is available from HR Services.

## Consideration of Ill Health Retirement

Depending on the nature of their absence, the employee may be considering applying for ill health retirement. If so, advice can be sought by the employee, or by the manager on their behalf, from HR Services. Additional support may be available from the employee's Trade Union. In such cases, employees will need to be assessed by an Occupational Health Professional. A potential application on the grounds of ill health retirement should not necessarily delay the timing of any meetings.

## Flexible Working

Flexible working would enable employees to adjust their working arrangements on a temporary basis where this can be accommodated by the service area. The service area may consider requests for flexible working, which may include an element of home working or a difference pattern of work.

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## Employees with a Serious Medical Condition

The Council recognises that employees can develop serious medical conditions which can affect their attendance at work. Serious medical conditions can occur at any time and may be evidence through long term or short term frequent absences.

In these circumstances, managers should be sensitive and supportive to employees, working with HR to provide appropriate and reasonable supportive measures.

Managers should also give due consideration, taking into account advice received from Occupational Health, to when it is appropriate to adopt different stages within the policy. Where possible, solutions should be sought, which are beneficial to both the employee and the service.

If an employee is diagnosed as having a terminal illness, then managers should refer to the 'Dying to Work' charter which the Council has adopted.

## Attendance Issues and Disability

When reviewing an employee's sickness record consideration should be given as to whether any or all of the absence is related to an employee's disability. Sickness absence which is disability-related should be clearly recorded as such on iTrent.

Where an employee has a disability the Council has a duty to make "reasonable adjustments" to both the workplace and/or working environment and to our policies and procedures to assist the employee in improving their attendance and not place them at a disadvantage. If at any stage a disability becomes apparent, reasonable adjustments must be considered. These could include:

- Flexible working arrangements;
- Specialist equipment (possibility of funding through Access to Work);
- Redeployment into an alternative role;
- Using discretion in relation to the 'indicators', to allow the employee more time off before proceeding to the next stage of the procedure (advice should be sought from Occupational Health on the likely level of absence);
- Allowing the employee to take [disability-related leave](#) for reasons connected with rehabilitation, assessment, treatment or servicing of necessary equipment or disability aids;
- Allowing a longer timescale for review of reasonable adjustments (e.g. modifications to working pattern or provision of special equipment);
- Allowing a longer period of time to seek redeployment;
- Amending the process to alleviate any other disadvantage.

It is difficult to specify the amount of variation required as each employee's disability is different. Advice should be obtained from HR Services and Occupational Health before reasonable adjustments are implemented.

Once agreed 'reasonable adjustments' should be progressed as soon as possible. They will usually be given at least 3 months or more to work and will be subject to regular monthly reviews. Dependent upon the circumstances, in some cases adjustments may need to be permanent.

Further information and advice on making reasonable adjustments can be found in the [Manager's Guide to Supporting Disabled Employees](#).

More specific guidance regarding supporting employees who are experiencing mental ill health is available in the [Line Manager Guide on Mental Ill Health and Supporting Employees](#).

Managers should note that whilst an occupational health report can assist an employer in deciding whether or not an employee is disabled, it is the employer's responsibility to make the final decision as to whether the individual is covered by disability discrimination legislation. While it may be appropriate to ask Occupational Health for clarification as to whether or not the employee should be treated as disabled, it is also important to pose specific practical questions, as part of the referral, directed at the particular circumstances of the employee's condition. Where there is any doubt, consideration should be given to offering the employee appropriate reasonable adjustments. Further advice is available from HR Services.

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## Mental Illness Related Absence

More specific guidance regarding supporting employees who are experiencing mental ill health is available in the [Line Manager Guide and toolkit on Mental Ill Health and Supporting Employees](#).

Mental ill health may or may not constitute a disability, depending on the length or impact of the illness. However, managers should consider if some of the adjustments listed under 'Attendance Issues and Disability' above would be helpful in supporting the employee.

For the majority of people who experience mental distress, appropriate contact is essential to support them and manage their attendance. If there is little or no communication, misunderstanding and barriers can quickly arise. Moreover, the employee may feel that they are not valued or are not being supported by the organisation. This can exacerbate already low self-esteem and heighten worries such as job security. Occasionally employees may ask managers not to contact them for a period of time, in which case the manager should consider one or more of the following:

- Seek advice from Occupational Health:
- Suggest maintaining contact through a 3<sup>rd</sup> party e.g. Trade Union for a short period:
- Consider alternative methods of communication with the employee, such as email, if telephone is not suitable:
- Be guided by the individual circumstances surrounding the absence and employee preferences where possible in order to maintain good relations. A person with a mental health condition is then much more likely to react positively to contact going forward:

When contact is established ask the following:

- Give the employee a chance to explain the problem and what is happening by asking open questions. Ask them how they are doing and focus conversations on their wellbeing:
- Ask if there is anything you or the organisation can do in terms of support e.g. the Occupational Health Service and Employee Wellbeing Counselling Service ([AMICA](#)) at this stage:
- Gauge whether they are receiving support already from their GP or other health care professional:
- Consider sending a "get-well" card:
- Reassure the individual about practical issues that they may raise e.g. how their jobs and responsibilities will be covered in the short term:
- Keep the individual in the loop about important developments at work so they feel connected:
- You should try to agree with the employee what they wish colleagues to be told. You should be honest and open with the team, being considerate not to breach any confidentiality with the employee concerned:

In addition, the manager should identify the working conditions that may negatively influence the wellbeing of the team. Create an environment where employees can air their concerns openly to avoid gossiping and any resentment towards the employee who is off work.

## Pregnancy-Related Absence

Under health and safety legislation, a workplace risk assessment must be carried out on all expectant mothers. If the duties of the job are likely to cause the employee harm, steps must be taken to remove or reduce the risk. Specifically, consideration should be given to:

- Adjusting the employee's working hours if she is a night worker and her medical practitioner certifies that it would be detrimental to her health to continue working nights;
- Removing the employee from any duties that might pose a risk to her health and safety;
- Transferring the employee to an alternative job on comparable terms and conditions;
- "Suspending" the employee from work on normal pay until the commencement of her maternity leave if no suitable alternative work is available or would not remove or reduce the risks to her.

Sickness absence which is pregnancy-related should be clearly recorded as such on iTrent. If the employee has a high level of absence related to this, managers should meet with her at the earliest opportunity to discuss what support could be provided to help improve her attendance. This may include reviewing and revising the pregnancy risk assessment and if necessary, seeking advice from [Occupational Health](#).

Sickness absence prior to the last 4 weeks before the expected week of child birth (EWC), supported by a fit note or self-certified absence, shall be treated as sickness absence in accordance with normal sickness absence provisions, but will normally be disregarded for the purposes of invoking the formal stages of the process and for any future employment related decisions.

If the employee is absent due to a pregnancy-related illness during the 4 weeks up to her EWC, her maternity leave will normally commence on the day after the first day of absence. Odd days of pregnancy-related sickness during this period may be disregarded at the manager's discretion if the employee requests to continue working until her planned maternity leave start date. When considering whether to allow this discretion, managers should ensure that they have considered the relevant risks (e.g. duration and reason for absence, advice from the individual's GP / midwife, etc.).

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## Annual Leave and Public Holidays

Annual leave will continue to accrue during sickness absence. Employees on long term sickness absence (i.e. over 4 weeks) will also accrue their public holiday entitlements.

Employees who return to work following a period of long term sickness may be entitled to carry over any outstanding annual leave entitlement into the next annual leave year. The

amount of annual leave that the employee has accrued over the previous 18-month period will be taken into account when agreeing how much leave can be carried forward.

The actual amount of leave which may be carried forward will depend on the facts of each case. Managers will therefore need to provide HR Services with details of the:

- Employee's annual leave entitlement over the last 2 years;
- Amount of employee's annual leave at start of each leave year (including any carried forward from previous leave year);
- Amount of annual leave booked in the last 2 leave years (including any booked but not taken owing to sickness);
- Amount of annual leave taken in the last 2 leave years;
- Dates of sickness absence(s) - from and to;
- Any individual circumstances (e.g. if the employee has requested leave but has not been allowed to take it).

Any accrued leave carried forward is to be taken during the new leave year. As a general rule, employees will not be permitted to carry leave forward again (excluding standard carry forward arrangements).

Employees are entitled to book and take annual leave during a period of long term sickness absence and should be encouraged to do so. This may be of particular benefit to the employee if they are in receipt of half-pay or no-pay.

If an employee falls ill whilst on annual leave, this will be treated as sickness absence and their annual leave refunded providing that the individual:

- Follows correct sickness absence reporting procedures; and
- Provides a medical certificate to cover their absence.

Employees who resign or are dismissed following long term sickness absence are entitled to be paid for any outstanding leave. Managers should contact HR Services for specific advice in these circumstances.

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## Escalation to Stage 4

In most cases, there will be four stages to the attendance management process. However, there may be occasions in cases of long term sickness absence where the medical reports indicate that a return to work is not possible within a reasonable time period. In these circumstances the manager must ensure that all avenues of [support](#) such as [ill health retirement](#) and [redeployment](#) have been exhausted as applicable, but may proceed to [Stage 4](#) of the attendance management process without completing all and/or any of the other three stages. Where the manager wishes to progress to Stage 4 before the preliminary action stage has been completed, this must be agreed by the employee. The employee should ensure they are in receipt of all appropriate information before making this decision. Advice must be sought from HR Services before escalating to Stage 4.

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## Stage 1 - Preliminary Action

It is acknowledged that, at times, employees need to take time off work due to personal illness or injury. The Council provides appropriate paid (or in some instances unpaid) leave in such circumstances and expects its employees to respond by ensuring they take reasonable care of their health and attend work unless they are unable to do so.

Where an employee's attendance level requires further attention/investigation, they should be advised that a meeting will be arranged to review their absence record and if appropriate, put in place a support plan and review period. Appropriate and reasonable support and assistance should be provided to improve employee's attendance. The employee should be provided with a copy of the [Attendance Management Policy and Procedure](#).

It is not usual practice for an employee to be accompanied at this stage. However, if the manager or employee feels that it would be appropriate, the employee may be accompanied by a work colleague or Trade Union representative.

At the meeting the manager should:

- Provide the employee with a summary of their absence record, highlighting any significant patterns or characteristics. The return to work meeting notes included on the [Return to Work e-form](#) can be used as a prompt to cover all of the points that need to be discussed;
- Identify the level of attendance which is not being met;
- Ask the employee to give their explanation as to why their current attendance is not meeting expectations and explore any factors that may be having an impact (e.g. domestic circumstances, underlying health problem, etc.);
- Explore what support or assistance can be provided to ensure that the employee is able to maintain an acceptable attendance record;
- Discuss the contents / recommendations of the [Occupational Health](#) report (if applicable);
- Agree how the employee's attendance record might be improved, which could include actions by either or both parties;
- If relevant, draw up a written support plan identifying [support mechanisms](#), the level of improvement required and the timescale for achievement (4-8 weeks);
- Agree the date and time for the review meeting which will be held at the end of the support plan period. Managers are also recommended to hold at least one mid-point review meeting. The date and time of this meeting should also be agreed with the employee;

- Inform the employee that failure to improve to the required attendance level within the agreed timescale could result in them progressing to [Stage 2 \(Formal Action\)](#) of the [Attendance Management Policy and Procedure](#).

There may be occasions where managers feel that a support plan and review period is not necessary (e.g. where absences are [pregnancy-related](#)). In such circumstances managers are advised to discuss the case with HR Services prior to informing the employee.

### **The Support Plan**

Appropriate and reasonable support and assistance should be provided to improve employee's attendance. The contents of the support plan should:

- Seek to address the areas of concern;
- Detail the expected level of attendance;
- Identify [support mechanisms](#);
- Specify the timescales for monitoring and review.

An example of a completed support plan can be found at [Appendix C](#). A copy of the agreed support plan should be provided to the employee following the meeting.

At the end of the support plan review period, the manager should meet with the employee and confirm whether or not they have met the required standard of attendance. If the employee has made sufficient improvement, the attendance management procedure will cease. Failure to sustain this improvement for a period of 4 months may result in the employee being progressed to [Stage 2 \(Formal Action\)](#) of the attendance management procedure.

If there are still concerns at the end of the review period, the manager may advise the employee that they will now be managed under [Stage 2 \(Formal Action\)](#) of the attendance management procedure and that a further meeting will be arranged to discuss their attendance.

Brief notes of all meetings should be taken to record what has been discussed and a copy provided to the employee for their agreement.

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## **Stage 2 - Formal Action**

If there are still concerns about the employee's level of attendance at the end of the Stage 1 review period or the employee has not sustained their improved attendance for the required 4 month period, the manager should invite the employee to attend a Formal Attendance Management Meeting.

### **Formal Attendance Management Meeting**

The purpose of this meeting is to discuss the concerns regarding the employee's attendance level and to consider ways in which this could be improved. Notes should be taken at the meeting.

The meeting will usually be held by the employee's manager and the employee should be informed in writing of the requirement to attend giving at least 10 working days notice. The employee has the right to be accompanied by a work colleague or Trade Union representative.

The invite letter must include details of the concerns and confirm the record of monitoring / progress to date. A copy of the support plan agreed previously during Stage 1 of the procedure should also be included. A template invite letter is attached at [Appendix D](#).

At the meeting the manager should include in the discussion the following:

- Identify the level of attendance which is not being met (making reference to the outcome of the [Stage 1](#) support plan and review period);
- Ask the employee to give their explanation as to any reasons why their current attendance is not meeting expectations and explore any factors that may be having an impact (e.g. domestic circumstances, underlying health problem, etc.);
- Explore what support or assistance can be provided to ensure that the employee is able to maintain an acceptable attendance record;
- Discuss the contents / recommendations of the [Occupational Health](#) report (if applicable);
- Agree how the employee's attendance record might be improved, which could include actions by either or both parties;
- Draw up a written support plan which identifies any [support mechanisms](#), the level of improvement required and the timescale for achievement (4-8 weeks);
- Agree the date and time for the [review meeting](#) which will be held at the end of the support plan period. Managers are also recommended to hold at least one mid-point review meeting. The date and time of this meeting should also be agreed with the employee;
- Inform the employee that failure to improve to the required attendance level within the agreed timescale could result in a [Stage 3 Attendance Management Hearing](#) being arranged at which they could be issued with a final written warning.
- If applicable, consider immediate [escalation](#) to a Stage 4 Attendance Management Hearing (see above).

Following the meeting, the employee should be provided with a copy of the agreed support plan and notes of the meeting.

### **The Support Plan**

Details of what should be included in the support plan can be found in the [Preliminary Action](#) section of this guidance. An example of a completed support plan is attached at [Appendix C](#). If an Occupational Health referral has not already been arranged then managers are advised to complete one as part of the support plan at this stage.



## Review Meeting

A review meeting should be held at the end of the support plan period. The purpose of this meeting is to review the contents of the plan and to assess whether there has been an improvement in the employee's attendance. The employee has the right to be accompanied by a work colleague or Trade Union representative. Notes should be taken at the meeting.

The potential outcomes of the review meeting are:

- If the employee has made sufficient improvement, the attendance management procedure will cease. However, if the improvement is not sustained for 9 months from the end of the review period then the manager may recommence at [Stage 3 \(Final Action\)](#) of the procedure.
- If some improvement has been made and further progress is likely, it may be appropriate to extend the review period by 4-6 weeks. In the majority of cases it will be appropriate to extend the review period just once during the attendance management procedure.
- If no, or insufficient improvement has been made, the employee will be advised that a [Stage 3 Attendance Management Hearing](#) will be arranged at which the employee could be issued with a Final Written Warning. In the case of long term sickness absence, if medical reports indicate that a return to work is not possible within a reasonable timescale and all other avenues of support have been exhausted then a [Stage 4 Attendance Management Hearing](#) will be arranged with the agreement of the employee, a potential outcome of which could be dismissal. Please see the section on [Escalation to Stage 4](#) for more information.

The employee should receive written confirmation of the outcome of the meeting and a copy of the notes. A template letter is attached at [Appendix E](#).

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## Stage 3 - Final Action

If the employee fails to make sufficient improvement by the end of the Stage 2 support plan review period or has not sustained their improved attendance for the required 9 month period then an Attendance Management Hearing will be convened to consider the case.

### Attendance Management Hearing

The manager will be responsible for arranging a panel, chaired by a Senior Manager (PO Grade or above), supported by a further Senior Manager and a representative from HR Services, who will act as panel members. All of the panel should have had no prior involvement in the employee's case. The manager should also arrange a note-taker.

### Documentation

The manager will write to the employee to notify them of the details of the hearing (date, time, venue, etc.) giving them a minimum of 10 working days notice. A template letter is

attached at [Appendix F](#). Whenever possible the date should be arranged in consultation with the employee and their representative.

A copy of any paperwork / evidence folder which the manager intends to refer to at the hearing must also be enclosed. This could include:

- Brief details of the employee's role and their employment with the Council (include a copy of the employee's job description);
- Details of the employee's attendance record (including the number of days lost, dates and reasons for absence);
- How the employee's absence compares with others;
- Copies of self-certification forms (including notes from return to work meetings);
- Copies of return to work meetings;
- Notes of meetings;
- Letters confirming the outcome of meetings;
- Copies of support plans;
- Copies of Occupational Health reports;
- Copies of fit notes / medical documents.

An example hearing folder contents list can be found at [Appendix G](#). Further information on preparing for the hearing can be found in the [Hearing Preparation Guide](#).

The employee must be informed of their right to be accompanied by a work colleague or Trade Union representative and that a potential outcome of the hearing is a final written warning.

The letter to the employee must also request that if they intend to refer to any documentation at the hearing, a copy of this must be sent to the Chair of the panel at least 5 working days before the date of the hearing along with the names of any witnesses they wish to call.

### **Witnesses**

It is the responsibility of the manager to ensure that they invite any witnesses (if required) to attend the hearing. Likewise, it is the employee's responsibility to ensure that they invite any witnesses (if required) to support their case at the hearing. Please note that the employee's Trade Union representative / work colleague can act on behalf of the employee to arrange their attendance at the hearing if permission from the employee has been granted.

Witnesses should only be present at the hearing whilst questions are being asked of them by the employee, their representative, management representative and panel members.

### **Release of Witnesses**

Employees who are required to attend an attendance management hearing as a witness **must** be released from duty unless this would have a significant impact on service delivery. Advice should be sought from HR Services before declining such a request.

### **Failure to Attend**

It is important that the employee is made aware that if they fail to attend on a given (or rearranged) date without an acceptable reason, the hearing may go ahead in their absence.

## Conduct of the Hearing

1. The Chair of the panel will introduce those present and outline the procedure to be followed. An employee who is not accompanied will be reminded of their right to representation by a work colleague or Trade Union representative.
2. The manager presenting the case (i.e. the Presenting Officer) will outline their case. They should refer to documents circulated beforehand to evidence their views.
3. The employee and/or their representative may question the Presenting Officer.
4. The panel may question the Presenting Officer.
5. If applicable, the Presenting Officer will invite management's witnesses (one by one) to the hearing. Each witness will be questioned initially by the Presenting Officer, then the employee and/or their representative may question the witness followed by questions from the panel.
6. The employee and/or their representative will outline their case. They may refer to documents circulated beforehand.
7. The Presenting Officer may question the employee and their representative.
8. The panel may question the employee and their representative.
9. If applicable, the employee or their representative will invite the employee's witnesses (one by one) to the hearing. Each witness will be questioned initially by the employee and/or their representative, then the Presenting Officer may question the witness followed by questions from the panel.
10. The Presenting Officer may make brief concluding remarks.
11. The employee and/or their representative may make brief concluding remarks.
12. The Presenting Officer, the employee, their representative and the note taker will leave the room.
13. Having deliberated on the matters placed before them, the panel will reach their decision and then recall and advise those attending the hearing of the outcome.

## Potential Outcomes

The panel may find that:

- The employee's level of attendance is acceptable. The attendance management procedure will therefore cease. However, if the improvement is not sustained for 12 months from the end of the review period then the manager may recommence at [Stage 4](#) of the attendance management procedure;
- It is appropriate to issue the employee with an extension (4-6 weeks) to the review period of the support plan agreed during [Stage 2](#). This should only be considered if

an extension has not previously been given during the attendance management procedure or in exceptional circumstances. The panel will reconvene at the end of the extension period;

- The employee's level of attendance is not acceptable. If the panel are satisfied that the employee has been unable to improve their attendance to the required standard, they will issue the employee with a final written warning. Within 7 days of the hearing, the manager should meet with the employee to agree a further [support plan](#) and review period. A date and time should also be agreed for the final (and any mid-point) review meeting. The panel may wish to make recommendations at the hearing regarding the contents or duration of the support plan.

### **Notification of the Outcome**

The employee should receive written confirmation of the outcome of the hearing including details of their right to appeal against the decision. A template letter is attached at [Appendix H](#).

If the employee has been issued with a final written warning, a copy should be sent with the outcome letter. A copy of the notes from the hearing should also be provided.

### **Final Written Warning**

Where an employee has received a final written warning, this will remain on their file for 12 months. The employee should also be informed that failure to achieve an acceptable level of attendance by the end of the support plan review period may result in a [Stage 4 Attendance Management Hearing](#) being arranged at which they could be dismissed.

### **The Support Plan**

Details of what should be included in the support plan can be found in the [Preliminary Action](#) section of this guidance. An example of a completed support plan can be found at [Appendix C](#).

### **Right of Appeal**

Details of the employee's right of appeal are contained in the [Attendance Management Policy and Procedure](#). Template letters for inviting an employee to an appeal hearing and confirming the outcome are attached at [Appendix I](#) and [Appendix J](#).

### **Review Meeting**

A review meeting should be held at the end of the support plan period. The purpose of this meeting is to review the contents of the plan issued following the Stage 3 Attendance Management Hearing and to assess whether there has been an improvement in the employee's attendance. The employee has the right to be accompanied by a work colleague or Trade Union representative. Notes should be taken at the meeting.

The potential outcomes of the review meeting are:

- If the employee has made sufficient improvement, the attendance management procedure will cease. However, if the improvement is not sustained for 12 months from the end of the review period then the manager may recommence at [Stage 4](#) of the procedure;

- If some improvement has been made and further progress is likely, it may be appropriate to extend the review period by 4-6 weeks. This should only be considered if an extension has not previously been given during the attendance management procedure.
- If no, or insufficient improvement has been made, the employee will be advised that a [Stage 4 Attendance Management Hearing](#) will be arranged at which the employee could be dismissed.

The employee should receive written confirmation of the outcome of the meeting and a copy of the notes. A template letter is attached at [Appendix K](#).

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## Stage 4 - Attendance Management Hearing

If the employee fails to make sufficient improvement by the end of the Stage 3 support plan review period or has not sustained this improvement for the required 12 month period then an Attendance Management Hearing will be convened to consider the case.

The manager will be responsible for arranging a panel, chaired by a Senior Manager (PO Grade or above), supported by a further Senior Manager and a representative from HR Services, who will act as panel members. All of the panel should have had no prior involvement in the employee's case. The manager should also arrange a note-taker.

If a hearing has already been held under Stage 3 of the procedure then, where possible, the same panel should be used for this hearing. The manager should also arrange a note-taker.

### Documentation

The manager will write to the employee to notify them of the details of the hearing (date, time, venue, etc.) giving them a minimum of 10 working days notice. A template letter is attached at [Appendix L](#). Whenever possible the date should be arranged in consultation with the employee and their representative.

A copy of any paperwork / evidence folder which the manager intends to refer to at the hearing must also be enclosed. This could include:

- Brief details of the employee's role and their employment with the Council (include a copy of the employee's job description);
- Details of the employee's attendance record (including the number of days lost, dates and reasons for absence);
- How the employee's absence compares with other relevant team members;
- Copies of return to work meetings;
- Notes of meetings;
- Letters confirming the outcome of meetings;
- Copies of support plans;
- Copies of Occupational Health reports;
- Copies of fit notes / medical documents;

- Copy of Final Written Warning (if applicable).

An example attendance management hearing folder contents list can be found at [Appendix G](#). Further information on preparing for the hearing can be found in the [Hearing Preparation Guide](#).

The employee must be informed of their right to be accompanied by a work colleague or Trade Union representative and that a potential outcome of the hearing is dismissal.

The letter to the employee must also request that if they intend to refer to any documentation at the hearing, a copy of this must be sent to the Chair of the panel at least 5 working days before the date of the hearing along with the names of any witnesses they wish to call.

### **Witnesses**

It is the responsibility of the manager to ensure that they invite any witnesses (if required) to attend the hearing. Likewise, it is the employee's responsibility to ensure that they invite any witnesses (if required) to support their case at the hearing. Please note that the employee's Trade Union representative / work colleague can act on behalf of the employee to arrange their attendance at the hearing if permission from the employee has been granted.

Witnesses should only be present at the hearing whilst questions are being asked of them by the employee, their representative, manager and panel members.

## **Release of Witnesses**

Employees who are required to attend an attendance management hearing as a witness **must** be released from duty unless this would have a significant impact on service delivery. Advice should be sought from HR Services before declining such a request.

## **Failure to Attend**

It is important that the employee is made aware that if they fail to attend on a given (or rearranged) date without an acceptable reason, the hearing may go ahead in their absence.

## **Conduct of the Hearing**

1. The Chair of the Panel will introduce those present and outline the procedure to be followed. An employee who is not accompanied will be reminded of their right to representation by a work colleague or Trade Union representative.
2. The manager presenting the case (i.e. the Presenting Officer) will outline their case (i.e. the reasons for considering the termination of the individual's employment). They should refer to documents circulated beforehand to evidence their views.
3. The employee and/or their representative may question the Presenting Officer.
4. The panel may question the Presenting Officer.
5. If applicable, the Presenting Officer will invite management's witnesses (one by one) to the hearing. Each witness will be questioned initially by the Presenting Officer, then the employee and / or their representative may question the witness followed by questions from the panel.
6. The employee and/or their representative will outline their case (i.e. the reasons for considering the continuation of the individual's employment). They may refer to documents circulated beforehand.
7. The Presenting Officer may question the employee and their representative.
8. The panel may question the employee and their representative.
9. If applicable, the employee or their representative will invite the employee's witnesses (one by one) to the hearing. Each witness will be questioned initially by the employee and / or their representative, then the Presenting Officer may question the witness followed by questions from the panel.
10. The Presenting Officer may make brief concluding remarks.
11. The employee and/or their representative may make brief concluding remarks.
12. The Presenting Officer, the employee, their representative and the note taker will leave the room.
13. Having deliberated on the matters placed before them, the panel will reach their decision and then recall and advise those attending the hearing of the outcome. Before

deciding whether or not an employee's contract of employment should be terminated, the panel will satisfy themselves that every effort has been made by both the manager and the employee to make viable alterations to the working arrangements of the employee concerned (including redeployment). If the employee has a disability then the panel will satisfy themselves that all reasonable adjustments have been identified and considered.

### Potential Outcomes

The panel may find that:

- The employee's level of attendance is acceptable. The attendance management procedure will therefore cease. However, if the improvement is not sustained for 12 months from the end of the review period then the manager may recommence at [Stage 4](#) of the attendance management procedure;
- It is appropriate to issue the employee with an extension (4-6 weeks) to the review period of the support plan agreed during [Stage 3](#). This should only be considered if an extension has not previously been given during the attendance management procedure. The panel will reconvene at the end of the extension period;
- The employee's level of attendance is not acceptable. If the panel is satisfied that the employee has been unable to improve their attendance to the required standard, having considered mitigation, including any reasons for the failure to reach the required standard, they will dismiss the employee with notice.

### Notification of the Outcome

The employee should receive written confirmation of the outcome of the hearing including details of their right to appeal against the decision. A template letter is attached at [Appendix M](#). If the employee has been dismissed, the letter should include the reason for the dismissal and the employee's termination date. A copy of the notes from the hearing should also be provided.

### Right of Appeal

Details of the employee's right of appeal are contained in the [Attendance Management Policy and Procedure](#). Template letters for inviting an employee to an appeal hearing and confirming the outcome are attached at [Appendix I](#) and [Appendix J](#).

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## Sick Pay

The period during which sick pay will be paid and the rate payable for any period of absence is calculated by deducting from the employee's entitlement on the first day of absence the total periods of sickness absence during the previous 12 months.

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## Next of Kin



If the employee is too unwell to engage in communication then it may be necessary for the manager to communicate and manage the sickness absence through next of kin / power of attorney. In these circumstances, the employee should be asked to confirm their permission in writing, where possible.

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## Complaints Raised During the Attendance Management Process

The Council's [Grievance Policy](#) or [Dignity at Work Policy](#) should not be used for appeals against attendance management decisions or the process itself. These should be dealt with as part of the appeal under the [Appeal Policy and Procedure](#).

If, however, the employee has a complaint against the manager during the course of an attendance management case, they may raise this using either the Council's Grievance Policy or Dignity at Work Policy as appropriate. The attendance management procedure will not cease, but if required, another manager will be brought in to deal with this case.

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## Links to the Disciplinary Policy and Procedure

Where absence patterns emerge, or where it is believed that absences are not attributable to genuine sickness, this will be investigated through the [Disciplinary Policy and Procedure](#).

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## Appendix A - Sickness Absence Reporting and Certification

### First Day

You must telephone your manager at a time you would normally expect them to be available. If your manager is not available, speak to the most senior person available. You should not, unless there is no alternative, leave a message on an answering machine or with another colleague or send an email or a text message. However, if there is no alternative, leave your telephone number with the person you speak to so that your manager can contact you as soon as possible.

In some cases specific arrangements need to be made locally to take account of circumstances such as the need to ring as early as possible so that cover can be arranged. **Your manager will let you know the arrangements that apply to you.**

When you telephone your manager will ask:

- What date you were first unfit for work (this may be a non working day);
- The reason for your absence.

If appropriate they may also ask whether your absence is due to:

- A hospital/medical appointment;
- Disability related absence;
- An accident at work;
- An accident involving a third party (e.g. road accident).

**Managers should agree with employees how often they are to make contact if the absence is likely to continue beyond one day. This will usually be on a daily basis so that cover arrangements can be made however the minimum arrangements detailed below should be followed.**

### If your absence continues

**On Day 4\*** you must telephone your manager again. This is so that your manager can assess the need for cover or to reallocate your work if necessary.

**On Day 8\*** you must obtain a fit note, telephone your manager to let them know how long you have been signed off work for and post the note to your manager as soon as possible.

\*Non working days count e.g. for a Monday-Friday worker absent from Friday, Day 4 is Monday and Day 8 is Friday.

If your absence is long enough to require another fit note you must keep your manager informed so that cover and work reallocation arrangements can continue.

### When you return to work

A self certification eform must be completed and submitted by the employee.

## **Sickness Absence during Annual Leave**

Part 3 of the Green Book provides that employees on annual leave will be regarded as being on sick leave if they have a doctor's certificate to cover that illness. Therefore, to reclaim full contractual annual leave, a doctor's certificate is required as proof of illness.

## Appendix B - Absence without Authorisation Letter

### STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

You have been absent from work without authorisation since [date of absence] and I am growing increasingly concerned for your wellbeing as you have failed to make any contact during this period.

In line with the Attendance Management Policy and Procedure, I have instructed Payroll to stop your pay from the start date of your absence until I receive notification of your wellbeing. This period of absence will be classified as 'Absence without Authorisation'.

Please contact me on [telephone number] upon receipt of this letter to advise me of your current situation.

Yours sincerely,

[Name of manager]

[Job Title]

## Appendix C - Example Support Plan

**SUPPORT PLAN: ATTENDANCE**

**DATE OF PLAN:** 30<sup>th</sup> April - 25<sup>th</sup> June 2014

<b>Employee:</b>	Mary Roberts	<b>Manager:</b>	Ken Smith
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Areas of Concern	What needs to be achieved	How this will be achieved	Who is responsible	Timescales
Continued long term absence from work (absent since 31 January 2014).	Return to work within support plan timeframe (on therapeutic or substantive hours). On going reduction in absences.	Mary to attend work as required.	Mary	8 weeks and ongoing
	To consider if any adjustments are required to support Mary's return, either in working hours or duties.	Referral to be made to Occupational Health.	Ken	8 weeks and ongoing
Mary has said that she is still suffering from low mood, has trouble sleeping and interacting on a daily basis.	Mary to contact her GP to seek advice as necessary and to keep Ken informed of any medical issues that he needs to be aware of.	Mary to update Ken following her GP appointment next week.	Mary	8 weeks and ongoing
	To consider a self referral to the Wellbeing Service.	Mary to contact the Wellbeing Service as required.	Mary	8 weeks and ongoing
Maintain contact during Mary's absence	Ensure that regular contact is maintained throughout Mary's absence from work.	Ken to contact Mary on a weekly basis by phone. Mary to contact Ken as	Ken / Mary	8 weeks



Mary Roberts

Ken Smith

## Appendix D - Invitation to Formal Attendance Management Meeting (Stage 2)

### STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

At our meeting on [date], under Stage 1 of the Attendance Management Policy and Procedure, I advised you that as I have ongoing concerns regarding your level of attendance it is now necessary to manage you under Stage 2 of the procedure. I would therefore like to invite you to attend a Formal Attendance Management Meeting at [time] on [date] in [location].

The purpose of this meeting is to discuss the following concerns that I have regarding your attendance and to consider ways in which this could be improved:

[List areas of concern]

At the meeting, you will have the opportunity to provide an explanation as to why your attendance is not meeting expectations. If you wish, you may be accompanied by a work colleague or Trade Union representative.

To date you have been issued with a [number] week support plan, a copy of which I have enclosed for your information. During the meeting we will review the contents of this plan and draw up a new plan identifying possible support mechanisms, the level of improvement required and the timescale in which this should be achieved.

At the end of the support plan period, a review meeting will be held. There are three potential outcomes of this meeting:

- If sufficient improvement has been made, the attendance management procedure will cease. Failure to sustain this improvement for 9 months from the end of the review period may result in the attendance management process recommencing at Stage 3 (Formal Action);
- If some improvement has been made and further progress is likely, it may be appropriate to extend the review period;
- If no, or insufficient improvement has been made, a Stage 3 Attendance Management Hearing will be arranged at which you could be issued with a Final Written Warning. Please note that in the case of long term sickness absence, if medical reports indicate that a return to work is not possible within a reasonable timescale and all other avenues of support have been



exhausted then a Stage 4 Attendance Management Hearing will be arranged, a potential outcome of which could be dismissal.

A copy of the Attendance Management Policy and Procedure is enclosed for your information.

If you, or your representative, require any special arrangements in order to attend the meeting on [date], please let me know as soon as possible so that I can facilitate these for you.

Please do not hesitate to contact me on [telephone number] if you have any questions regarding the contents of this letter.

Yours sincerely,

[Name of manager]  
[Job Title]

## Appendix E - Outcome of Stage 2 (Formal Action)

**NB: If the employee has failed their support plan please use Appendix F to confirm the outcome and invite them to attend a Stage 3 Attendance Management Hearing**

### STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

I am writing to confirm the outcome of the review meeting held on [date] under Stage 2 of the Attendance Management Policy and Procedure.

The purpose of this meeting was to review your progress against the contents of the support plan which was agreed at the Formal Attendance Management Meeting on [date].

[Delete options below as appropriate]

#### Option One

*As I advised at the meeting, I am pleased to be able to confirm that you have achieved the required level of improvement in your attendance. The attendance management procedure will therefore cease.*

*I hope that you will continue to maintain this improvement. As discussed at the review meeting, if you fail to sustain this improvement for a 9 month period from the end of the review period then it may be necessary to recommence managing your attendance at Stage 3 of the Attendance Management Policy and Procedure.*

#### Option Two

*As I advised at the meeting, I am pleased to be able to confirm that you have made some improvement towards achieving the required level of attendance. We therefore agreed that we would extend your support plan by [number] weeks. The review period will therefore now end on [date].*

*As agreed at the meeting, we will hold a further review meeting on [date] at [time] in [location].*

Please find enclosed a copy of the notes taken at the meeting for your information. If you have any questions regarding the contents of this letter, please do not hesitate to contact me on [telephone number].

Yours sincerely,

[Name of manager]  
[Job Title]

## Appendix F - Invitation to Attendance Management Hearing (Stage 3)

### STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

I am writing to confirm the outcome of the review meeting held on [date] under Stage 2 of the Attendance Management Policy and Procedure. The purpose of this meeting was to review your progress against the contents of the support plan which was agreed at the Formal Attendance Management Meeting on [date].

As I advised at the meeting, you have failed to achieve the required level of improvement in your attendance. It is therefore now necessary to convene an Attendance Management Hearing.

The hearing will take place at [time] on [date] in [location] and will be heard by [name, job title], and [name, job title]. Also present will be [name] to take notes. On arrival you should report to [location] and ask for [name].

I will present the management case at the hearing and enclosed is a copy of the documents that I will refer to. During the course of the hearing you will have the right to hear and question the evidence presented. You will also have the opportunity to present your case and may, if you wish, be accompanied by a work colleague or Trade Union representative.

The purpose of the hearing is to consider the steps taken to improve your attendance and your progress against the support plans put in place previously.

If the panel is satisfied that you have been given every opportunity to improve your attendance, but the standard has still not been reached, you will be issued with a Final Written Warning which will remain on your file for 12 months.

Any documentation that you wish to refer to during the hearing must be provided to [name of Chair of panel] at [address] no later than 5 days before the hearing, along with the names of any witnesses you intend to call to support your case. Please note that it is your responsibility to invite your witnesses to attend the hearing. Your Trade Union representative or work colleague may act on your behalf to contact these witnesses if permission from yourself has been granted. [For your information, I will be calling the following witnesses: [name(s)].

If you, or your representative, require any special arrangements in order to attend the hearing, please let me know as soon as possible so that I can facilitate these for you.

Please note that failure to attend the hearing without an acceptable reason may result in the hearing going ahead in your absence.

If you have any questions regarding the contents of this letter, please do not hesitate to contact me on [\[telephone number\]](#).

Yours sincerely,

[\[Name of manager\]](#)  
[\[Job Title\]](#)

## Appendix G - Example Hearing Contents Page

This template is to provide managers with a framework on how to structure panel hearing folders. It is not intended to be prescriptive and can be adapted to suit managers' individual requirements.

**Name of employee**  
**Attendance Management Hearing**  
**Date and venue of hearing**

Panel Members:

[Name, Job Title] (Chair)  
[Name, Job Title] (HR Representative)

Presenting Officer: [Name, Job Title]

### **Section 1**     Attendance Management Policy

- 1.1 Attendance Management Policy and Procedure
- 1.2 Hearing Format

### **Section 2**     Employment Details

- 2.1 Employee Summary (Job Title, Grade, Hours, Location)
- 2.2 Contract of Employment
- 2.3 Job Description

### **Section 3**     Correspondence

- 3.1 Invite to Formal Attendance Management Meeting on [date]
- 3.2 Outcome of Stage 2 review meeting on [date]
- 3.3 Invite to Stage 3 Attendance Management Hearing on [date]
- 3.4 Outcome of Stage 3 Attendance Management Hearing on [date]
- 3.5 Invite to Stage 4 Attendance Management Hearing on [date]

### **Section 4**     Notes of Meeting / Evidence

- 4.1 Copy of support plan (Stage 1)
- 4.2 Notes from Formal Attendance Management Meeting on [date]
- 4.3 Copy of support plan (Stage 2) covering [dates]
- 4.4 Notes from review meeting (Stage 2) on [date]
- 4.5 Notes from Attendance Management Hearing (Stage 3) on [date]
- 4.6 Copy of support plan (Stage 3) covering [dates]
- 4.7 Notes from review meeting (Stage 3) on [date]

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## **Section 5**     Supplementary Information

- 5.1 Absence information (e.g. list / chart showing dates, reasons, etc.)
- 5.2 Comparative absence data / departmental targets
- 5.3 Advice from Occupational Health
- 5.4 Redeployment information

## Appendix H - Outcome of Attendance Management Hearing (Stage 3)

### STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

I am writing to confirm the outcome of the Attendance Management Hearing held on [date] which was heard by me, [name, job title] and [name, job title]. Also present were [name] as your representative and [name] as note-taker.

The purpose of the hearing was to consider the steps made to improve your attendance and your progress against the support plan put in place at the Attendance Management Meeting (Stage 2) on [date].

[Delete options below as appropriate]

#### Option One

*Having considered the evidence provided at the hearing, the panel have decided that your attendance meets the expected level. The attendance management procedure will therefore cease. However, if the improvement is not sustained for a period of 12 months from the end of the review period then your manager may recommence managing your attendance at Stage 4 of the Attendance Management Policy and Procedure.*

#### Option Two

*Having considered the evidence provided at the hearing, the panel have decided that you should be issued with a [number] week extension to the support plan review period agreed during Stage 2.*

*As agreed at the hearing, the panel will reconvene at [time] on [date] in [location] to consider your progress against the support plan during this period.*

#### Option Three

*Having considered the evidence provided at the hearing, the panel have decided that your level of attendance is not acceptable and therefore you will be issued with a Final Written Warning. This will remain on your file for 12 months.*

*Your manager will meet with you within the next 7 days to agree a further support plan and review period with you. If you fail to achieve the required level of improvement in your attendance by the end of the support plan review period then a*



*Stage 4 Attendance Management Hearing will be arranged. A possible outcome of this hearing may be the decision to terminate your contract of employment.*

*I have enclosed a copy of the Appeal Policy and Procedure along with an appeal registration form. You have the right to appeal against the decision to issue you with a Final Written Warning. If you wish to appeal please complete and return the appeal registration form to myself within 7 working days of receiving this letter.*

A copy of the notes taken at the hearing is enclosed for your information.

Yours sincerely,

[Name of chair]  
[Job Title]

## **ATTENDANCE MANAGEMENT PROCEDURE - FINAL WRITTEN WARNING**

**Name:**

**Job Title:**

1. Date Issued

This warning was issued at the Attendance Management Hearing (Stage 3) on [date].

2. Status of Warning

This is a final written warning issued under the Attendance Management Policy and Procedure.

3. Nature of Offence

You were issued with this warning as you had failed to achieve the required level of improvement in your attendance.

4. Improvements Required

Following the Attendance Management Hearing a further support plan was agreed to support you to improve your attendance. You are therefore required to achieve the improvements as set out in the plan and to maintain this improvement in your attendance for a 12 month period.

5. Support to be Given

Details of the support that will be provided to you are set out in the agreed support plan. If you feel that additional help or support could be provided, please speak to your manager.

6. Retention of Warning on Personal File

A copy of this warning will be kept on your personal file for 12 months from [date of Attendance Management Hearing].

7. Consequences of Failure to Maintain

Failure to achieve and maintain the requirements set out in paragraph 4 above will result in an Attendance Management Hearing (Stage 4) being convened. If the panel is satisfied that you have been given every opportunity to improve your attendance, but the standard has still not been reached, your contract of employment will be terminated.

---

### **Acknowledgement of Final Written Warning**

I acknowledge that I have been given a final written warning under the Attendance Management Policy and Procedure. I have read and understood the contents of this warning.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

## Appendix I - Invitation to Appeal Hearing

### STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

Following receipt of your appeal under the Attendance Management Policy and Procedure against your [final written warning / dismissal], I am writing to invite you to attend an appeal hearing. Your appeal will be heard by [name, job title], and [name, job title] at [time] on [date] in [location]. [Name] will also be in attendance to take notes. On arrival you should report to [location] and ask for [name].

You may, if you wish, be accompanied at the hearing by a work colleague or Trade Union representative.

Enclosed for your attention is a copy of management's response to your appeal statement, along with supporting documents. I will be in attendance at the hearing to present the management case. [For your information, management will be calling [name(s)] as their witness].

The outcome of the appeal hearing will be to either:

- Uphold the original decision taken and maintain any sanction;
- Overturn the original decision and implement a new decision along with any appropriate sanction/action.

Please be advised that the decision of the appeal hearing will be final and there is no further right of appeal.

I would be grateful if you would please confirm that you are able to attend the hearing. Please note that failure to attend without an acceptable reason may result in the hearing going ahead in your absence.

If you, or your representative, require any special arrangements in order to attend the hearing, please contact me as soon as possible so that I can facilitate these for you.

If you have any questions regarding the contents of this letter, please do not hesitate to contact me on [telephone number].

Yours sincerely,

[Name of manager]  
[Job Title]

## Appendix J - Outcome of Appeal Hearing

### STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

I am writing to confirm the outcome of the Attendance Management Appeal Hearing held on [date] which was heard by me, [name, job title] and [name, job title]. Also present was [name] as your representative and [name] as note-taker.

You appealed against the decision made at the Attendance Management Hearing on [date]. The reason for your appeal was [reason].

Having considered the evidence provided at the hearing, the panel have decided to [uphold the original decision to issue you with a final written warning / terminate your employment] or [overturn the original decision to issue you with a final written warning / terminate your employment]. Include details of any additional actions/recommendations and reasons for decision.]

The decision of the appeal hearing is final and there is no further right of appeal.

Yours sincerely,

[Name of Chair of panel]

[Job Title]

## Appendix K - Outcome of Stage 3 (Final Action)

**NB: If the employee has failed their support plan please use Appendix L to confirm the outcome and invite them to attend a Stage 4 Attendance Management Hearing**

### STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

I am writing to confirm the outcome of the review meeting held on [date] under Stage 3 of the Attendance Management Policy and Procedure.

The purpose of this meeting was to review your progress against the contents of the support plan which was agreed following the Attendance Management Hearing on [date].

[Delete options below as appropriate]

#### Option One

*As I advised at the meeting, I am pleased to be able to confirm that you have achieved the required level of improvement in your attendance. The attendance management procedure will therefore cease.*

*I hope that you will continue to maintain this improvement. As discussed at the review meeting, if you fail to sustain this improvement for a 12 month period from the end of the review period then it may be necessary to recommence managing your attendance at Stage 4 of the Attendance Management Policy and Procedure.*

#### Option Two

*As I advised at the meeting, I am pleased to be able to confirm that you have made some improvement towards achieving the required level of attendance. We therefore agreed that we would extend your support plan by [number] weeks. The review period will therefore now end on [date].*

*As agreed at the meeting, we will hold a further review meeting on [date] at [time] in [location].*

Please find enclosed a copy of the notes taken at the meeting for your information. If you have any questions regarding the contents of this letter, please do not hesitate to contact me on [telephone number].

Yours sincerely,

[Name of manager]  
[Job Title]

## Appendix L - Invitation to Attendance Management Hearing (Stage 4)

### STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

I am writing to confirm the outcome of the review meeting held on [date] under Stage 3 of the Attendance Management Policy and Procedure. The purpose of this meeting was to review your progress against the contents of the support plan which was agreed following the Attendance Management Hearing on [date].

As I advised at the meeting, you have failed to achieve the required level of improvement in your attendance. It is therefore now necessary to convene a further Attendance Management Hearing.

The hearing will take place at [time] on [date] in [location] and will be heard by [name, job title], [and [name, job title]. Also present will be [name] to take notes. On arrival you should report to [location] and ask for [name].

I will present the management case at the hearing and enclosed is a copy of the documents that I will refer to. During the course of the hearing you will have the right to hear and question the evidence presented. You will also have the opportunity to present your case and may, if you wish, be accompanied by a work colleague or Trade Union representative.

The purpose of the hearing is to consider the steps taken to improve your attendance and your progress against the support plans put in place previously.

If the panel is satisfied that you have been given every opportunity to improve your attendance, but the standard has still not been reached, you will be dismissed from the Council's employment with notice.

Any documentation that you wish to refer to during the hearing must be provided to [name of Chair of panel] at [address] no later than 5 days before the hearing, along with the names of any witnesses you intend to call to support your case. Please note that it is your responsibility to invite your witnesses to attend the hearing. Your Trade Union representative or work colleague may act on your behalf to contact these witnesses if permission from yourself has been granted. [For your information, I will be calling the following witnesses: [name(s)].



If you, or your representative, require any special arrangements in order to attend the hearing, please let me know as soon as possible so that I can facilitate these for you.

Please note that failure to attend the hearing without an acceptable reason may result in the hearing going ahead in your absence.

If you have any questions regarding the contents of this letter, please do not hesitate to contact me on [\[telephone number\]](#).

Yours sincerely,

[\[Name of manager\]](#)  
[\[Job Title\]](#)

## Appendix M - Outcome of Attendance Management Hearing (Stage 4)

### STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

I am writing to confirm the outcome of the Attendance Management Hearing held on [date] which was heard by me and [name, job title]. Also present were [name] as your representative and [name] as note-taker.

The purpose of the hearing was to consider the steps made to improve your attendance and your progress against the support plan put in place following the Attendance Management Hearing (Stage 3) on [date].

[Delete options below as appropriate]

#### Option One

*Having considered the evidence provided at the hearing, the panel have decided that your attendance meets the expected level. The attendance management procedure will therefore cease. However, if the improvement is not sustained for a period of 12 months from the end of the review period then your manager may recommence managing your attendance at Stage 4 of the Attendance Management Policy and Procedure.*

#### Option Two

*Having considered the evidence provided at the hearing, the panel have decided that you should be issued with a [number] week extension to the support plan review period agreed during Stage 3.*

*As agreed at the hearing, the panel will reconvene at [time] on [date] in [location] to consider your progress against the support plan during this period.*

#### Option Three

*Having considered the evidence provided at the hearing, you have been given a full opportunity to improve your level of attendance and have failed to do so. The panel's decision is therefore that you will be dismissed on the grounds of unsatisfactory attendance.*

*As this is not summary dismissal, you are entitled to [duration] paid notice from the date of the hearing and therefore your employment will terminate on [date]. You [are/are not] required to work this notice. Your P45 will be forwarded to you shortly.*

*You are required to return any property which is still in your possession and [name] will be in contact with you to arrange this.*

*I have enclosed a copy of the Appeal Policy and Procedure along with an appeal registration form. You have the right to appeal against this decision and should complete and return the appeal registration form to myself within 7 working days of receiving this letter.*

*Should you decide to appeal, the effect of the dismissal will still stand i.e. you will remain dismissed pending the outcome of the appeal hearing.*

A copy of the notes taken at the hearing is enclosed for your information.

Yours sincerely,

[Name of chair]  
[Job Title]