

## 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

		necessary to update him on progress.		
--	--	--------------------------------------	--	--

I agree that I will commence this plan with effect from [date] and I understand that failure to achieve the required level of improvement will result in me progressing to Stage [number] of the Attendance Management Policy and Procedure.

I also understand that, should I achieve the required level of attendance and therefore formal procedures will cease, failure to maintain this improvement for [4/9/12] months may result in formal procedures recommencing at Stage [number].

**It is acknowledged that during the course of this support plan under stage [number] of the Attendance Management Policy and Procedure you may be unable to return to work. However as your employer we reserve the right to manage your attendance and progress your case to the next stage of the procedure if you have not returned to work. This support plan is also in place to provide you with support during your absence from work.**

Any further support identified:

Review dates: [enter date(s) of mid-review meeting(s)]

Mid Point Review Meeting: 28<sup>th</sup> May 2014  
 Final Review Meeting Date: 27<sup>th</sup> June 2014

---

If you do not return a signed copy of this plan within 7 days it will be assumed that you are in agreement with its contents.

Signed:                                      Employee: \_\_\_\_\_ Manager: \_\_\_\_\_

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]

## **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]