**Attendance Management Guidance &**

**Support Documentation**

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**Introduction**

The purpose of this documentation is to provide a framework which compliments NHS Greater Glasgow & Clyde Attendance Management Policy

The contents page outlines the purpose of each document and contains a range of forms and template letters. This supporting documentation should be used to promote a culture of attendance and be utilised for all levels of staff in the organisation.

**Section 1**

**Record Keeping**

It is essential that the effective implementation of the Attendance Management Policy is underpinned by the maintenance of accurate, comprehensive and up-to-date absence records for each individual employee. These records must be reviewed regularly in a systematic way, taking appropriate managerial action when required.

Where a review of a record reveals a pattern of intermittent sickness absence, this must be discussed with the employee at the earliest opportunity to establish whether an underlying problem exists. Whilst an explanation may be related to ill health, managers should also be aware that an unsatisfactory attendance pattern may be associated with social, domestic or work related pressures.

When assessing patterns of absence for employees both short term and long term absence should be taken into account. Although, for a period of long term absence consideration should be given to the reason and discretion used, if appropriate. The process for managing long term absence should be supported by an HR representative and a management referral made to the Occupational Health Service.

When dealing with any attendance related issues a manager should approach the situation in a sensitive and sympathetic manner, and explore any support and assistance that may achieve an improvement. However, it should be made clear their attendance is giving cause for concern, must be improved to meet the standard required, and confirm it will be reviewed on an ongoing basis. Where the pattern of attendance continues to fall below the standard required, a referral for further consideration at a disciplinary hearing will be initiated under the terms of NHS Greater Glasgow & Clyde Disciplinary Policy. When recommending a referral it is important to ensure all relevant documentation is in place to support the case.

Not all disciplinary hearings will result in a sanction being given. In addition, it is important to note the purpose of issuing disciplinary warnings is not primarily intended to be punitive, but rather to encourage a change in behaviour and to alert an employee to the fact that continued failure to meet the required standards could ultimately lead to their employment with NHS Greater Glasgow & Clyde being terminated.

**Section 2**

**Occupational Sick Pay Entitlements**

In accordance with Section 14 of Agenda for Change Terms and Conditions of Service, employees absent from work owing to illness will be entitled, subject to the conditions of the agreement, to receive sick pay in accordance with the scale below (see Section 12 for provisions governing reckonable service):

* during the first year of service - one month full pay and two months half pay;
* during the second year of service - two months full pay and two months half pay;
* during the third year of service – four months full pay and four months half pay;
* during the fourth and fifth years of service – five months full pay and five months half pay;
* after completing five years of service – six months full pay and six months half pay

If an employee is absent due to ill health and their pay status is due to change to half pay or nil pay they must be advised in advance of the adjustment taking place. The Payroll department will write directly to the employee to confirm the adjustment but it should also be discussed in any Formal Absence Review meetings and noted in the outcome letter.

**Section 3**

 **Return to Work Discussion**

A Return to Work discussion must be carried out by the appropriate line manager following each episode of sickness absence. This discussion should occur on the date of the employees return to work. A completed copy of the form (**Appendix 1**) should be signed and dated by both the line manager and employee and placed in the employee’s personal file.

When an employee has had a 4th episode of sickness absence within a rolling 12 month period this will be highlighted to the employee at the Return to Work discussion. The employee should be advised that, as a result of reaching a trigger, they will be invited to a Formal Absence Review meeting.

**Section 4**

**Frequent Sickness Absence:**

**Preparing for a Formal Absence Review meeting:**

On reaching a trigger point the appropriate line manager will arrange to meet with the employee to discuss their level of attendance for the previous 12 month period. The line manager is also responsible for ensuring that an Formal Absence Review invite letter is sent to the employee at least 5 working days prior to the meeting. This letter will detail the absences as recorded on SSTS and highlight any other attendance related issues. **(Appendix 8)**

**Attendees**

An HR Representative will not routinely attend Formal Absence Review meetings regarding frequent absences.

**Supporting Documentation:**

An SSTS print-out and any other relevant information should be discussed with the employee to ensure that the reasons and circumstances surrounding each episode of absence are fully explored and understood. If applicable, any Occupational Health reports should also be discussed with the employee. Previous support measures should be reviewed and any additional support measures required explored further.

The line manager should make any relevant notes to ensure all the pertinent points are included in a Formal Absence Review outcome letter. The outcome letter will detail the discussion that took place at the meeting, including any discrepancies with recorded dates of absence and the outcome decision. **(Appendix 10)**

The line manager will send the employee two copies of the outcome letter requesting that the employee responds with any amendments within five working days of the date the letter was sent. A signed copy of the letter will then be retained in the employee’s personal file. If an employee does not request any amendments or return a signed copy the original outcome letter will be accepted as a true reflection of the discussion.

**Non-Attendance at Formal Absence Review meetings:**

An employee will have a maximum of two opportunities to attend a Formal Absence Review meeting. Although, when scheduling meetings line managers should ensure that the employee does not have planned leave or off-duty. If an employee is unable to attend the meeting they should contact their manager at the earliest opportunity, explain the reasons and offer an alternative time and date they are able to attend. If an employee fails to attend two meetings, with no exceptional mitigating circumstances, the line manager should refer this to the next in line manager for further consideration at a disciplinary hearing due to a breach of the Attendance Management Policy.

If an employee states that they are unfit to attend a Formal Absence Review meeting within any NHS location or a home visit a management referral should be made to the Occupational Health Service. The Occupational Health Practitioner will be able to provide an indication of when the employee will be fit to attend a Formal Absence Review meeting and provide information on health status.

**Outcome:**

There are only two potential outcomes from a Formal Absence Review meeting:

1. The employee’s level of attendance will continued to be monitored on an ongoing basis.
2. The employee’s attendance record, Formal Absence Review outcome letter(s) and any other appropriate supporting documentation are forwarded to the next in line manager for further consideration at a disciplinary hearing.

**Disciplinary Hearing:**

**Referral:**

If the line manager has concerns regarding the employee’s level of attendance they should refer the case to their next in line manager. The line manager will provide the next in line manager with a copy of the Formal Absence Review outcome letter and any other relevant information, including SSTS printouts, any recent Occupational Health reports and all completed Return to Work forms.

**Attendees:**

The next in line manager will convene a disciplinary hearing to consider the information submitted by the manager who conducted the review meeting. The line manager who conducted the Formal Absence Review meeting is in attendance at the disciplinary hearing to present the reasons for referring to a disciplinary hearing. The employee is also entitled to submit information to support their case.

The next in line manager chairing the disciplinary hearing will be supported by an HR representative. The presenting manager will not routinely be supported at the hearing by an HR representative unless this is specifically requested.

**Outcome:**

The outcome of the disciplinary hearing may result in the employee being issued a disciplinary sanction by the panel chair. If it is not possible to deliver an outcome at the disciplinary hearing, a decision will be confirmed in writing within 5 working days as per policy.

The disciplinary chair will draft the outcome letter with support from the HR Representative. It is important the letter clearly details the rational for the sanction being given. The letter should also highlight the consequences of any further episodes of absence within the timeframe of the sanction.

The disciplinary chair will send the employee two copies of the outcome letter asking the employee to respond within any amendments within 5 working days of the date the letter was sent. If requested, a copy of the letter will also be sent to the employee’s staff side representative.

The employee has the opportunity to appeal any sanction given within 2 working weeks of receipt of the hearing outcome letter. The agreement of the accuracy of the letter is separate from the right of appeal.

A signed copy of the disciplinary outcome letter will then be retained in the employee’s personal file. If an employee does not request any amendments or return a signed copy the original outcome letter will be accepted as a true reflection of the discussion. Once the timescale has exhausted the letter must be removed and destroyed.

**Potential Dismissal:**

For any attendance cases that are being referred for consideration at a disciplinary hearing that may result in dismissal, a management statement of case should be prepared by the line manager with support from an HR representative. The management statement of case will be submitted to the appropriate manager with authority to dismiss as per the scheme of delegation.

The management statement of case will be presented at the disciplinary hearing by the appropriate manager. The presenting manager will not routinely be supported at the hearing by an HR representative unless this is specifically requested. However, the panel chair will be supported at the disciplinary hearing by an HR representative.

**Further Episodes of Sickness Following a Disciplinary Hearing:**

If the level of attendance continues to cause concern this should be highlighted at the Return to Work discussion.

In the event a disciplinary sanction is still live the manager should convene a further Formal Absence Review meeting. The manager should advise the employee that as per the conditions of the warning, the attendance record and any relevant information will be forwarded to another manager for further consideration at a Disciplinary Hearing. Generally, this may be when an employee has had two further episodes of sickness absence following the first Disciplinary Hearing, unless there are exceptional mitigating circumstances.

If the line manager has continued concerns regarding the employee’s level of attendance they should refer the case to an independent manager who was not involved in the previous disciplinary or senior manager depending on the individual case, reasons and frequency of sickness absence.

The line manager would provide the disciplinary chair with copies of the recent attendance management meeting outcome letter and previous disciplinary hearing outcome letter, if still live at the time of the breach.

In the event that the sanction has expired, and particularly if there has been a time lapse the line manager should invite the employee to attend a Formal Absence Review meeting.

**Section 5**

**Long Term Sickness Absence:**

**Preparation:**

Once an employee has reached the 28 day trigger the appropriate line manager will convene a Formal Absence Review meeting. The line manager is responsible for ensuring that an invite letter is sent to the employee at least 5 working days prior to the meeting.

**Attendees:**

The line manager will be accompanied by an HR representative.

**Review Meetings**

Long term attendance review meetings should be arranged with the employee every 4 weeks; this could vary depending on the reason for the absence i.e surgery or if awaiting reports from the Occupational Health Service.

**Documentation:**

If applicable, any Occupational Health reports including recommendations or reasonable adjustment’s, should be discussed with the employee at the meeting.

Following the meeting the line manager will send the employee two copies of the outcome letter asking the employee to respond within any amendments within five working days of the date the letter was sent. A signed copy of the letter will then be retained in the employee’s personal file. If an employee does not request any amendments or return a signed copy the original outcome letter will be accepted as a true reflection of the discussion.

**Non-Attendance at Meetings:**

An employee will have a maximum of two opportunities to attend a Formal Absence Review meeting. If an employee cancels a meeting they should contact their manager as soon as possible explaining the reasons and offering an alternative time and date that they are able to attend.

If an employee fails to attend two meetings, with no exceptional mitigating circumstances, then the manager should refer this to the appropriate manager for further consideration at a disciplinary hearing due to a breach of the Attendance Management Policy.

If an employee states that they are unfit to attend a Formal Absence Review meeting within any NHS location or a home visit then a referral should be made to the Occupational Health Service. The Occupational Health Practitioner will be able to provide an indication of when the employee will be fit to attend a Formal Absence Review meeting and provide information on health status.

**Outcome:**

Referrals to the Occupational Health Service can be made before or after the long term Formal Absence Review meeting dependant on the reason for absence. The referral should be completed and submitted by the manager overseeing the attendance process. Employees should be advised of the reasons for referral prior to the referral being made.

If the employee is fit to return to work a meeting should be arranged by the line manager with the employee to discuss and agree the phased return and any reasonable adjustments that are to be implemented on a temporary or permanent basis. If the return to work is straightforward then there is no requirement for an HR representative to attend the meeting.

**Escalating Cases**

As a general guide, if the employee has not resumed to work before reaching 100 days of long term absence or there is no likely return date then the case should be progressed to the next in line manager for further consideration.

**Section 6**

**Termination of Contract on the grounds of continuing Ill Health**

If an employee indicates that they are unfit to return to their post or any other suitable alternative post then termination of contract on the grounds of continuing ill health can be discussed at a long term Formal Absence Review meeting with their line manager. The employee should be advised that a formal hearing with a manager who reports directly to a Director or Chief Officer with authority to dismiss can be arranged for a decision to be made regarding their future employment. However, if the employee declines the opportunity to meet with the appropriate manager with authority to dismiss the following process must be followed:

* The line manager writes to the employee confirming the details discussed at the Formal Absence Review meeting advising that a recommendation for the termination of contract on the grounds of continuing ill health will be made to the appropriate manager with authority to dismiss and any agreed proposed termination dates.
* The line manager writes to the appropriate manager with authority to dismiss detailing the background to the case, enclosing the relevant supporting documentation seeking consideration for the termination of contract on the grounds of continuing ill health.
* Following a review of the relevant supporting documentation the appropriate manager with authority to dismiss will write directly to the employee to provide confirmation of their decision. The letter, if applicable will detail the termination date, any pay in lieu of notice, outstanding annual leave and the right of appeal.

It is essential an up to date Occupational Health report is obtained for any employee who is potentially unable to return to work due to ill health. If an employee is intending to submit an application to the Scottish Public Pensions Agency the Occupational Health Service will, if applicable, complete an AW8/MED form to support the application. However, it is important to note that any decision regarding the release of a pension rests solely with the Scottish Public Pensions Agency and will not impact of the Board’s decision to terminate an employee’s contract on the grounds of continuing ill health.

**Termination of Contract on the grounds of continuing Ill Health**

If an employee remains unfit to return to their post or any other potential suitable alternative post but does not agree to termination of contract on the grounds of continuing ill health, the case should then be referred to the appropriate manager with authority to dismiss for further consideration at a disciplinary hearing.

**Section 7**

**Managing Absence due to work related stress**

If an employee reports the reason for absence as work related stress it is important a Formal Absence Review meeting is convened as a priority. A trigger does not have to be reached to schedule a meeting. This will enable the manager to explore further the reasons, identify supports and agree a way forward. If the stressors are as a result of relationship difficulties in the workplace Mediation should be explored as an option. Where a resolution to the workplace stressor cannot be reached or identified then a management referral to the Occupational Health Service should be made. In the referral it is important manager’s note any interventions that have been attempted to date. Managers should also refer to the Board policy on Stress in the Workplace for guidance. An HR representative will also be in attendance at the meeting.

**Section 8**

**Redeployment**

In NHS Greater Glasgow & Clyde there are only 2 reasons an employee will be eligible to be considered for redeployment to a suitable alternative post.

* Ill health
* Organisational Change

In cases of ill health a management referral to the Occupational Health service must always be made to help assist in the identification of what may be considered a potential suitable alternative post.

 **Appendix 1**

**NHS Greater Glasgow and Clyde**

 **Attendance Management**

 **Return to Work Discussion**

|  |
| --- |
| DATE OF MEETING: |
| **EMPLOYEE DETAILS** |
| Name: |
| Job Title:  |
| Department: |
| Grade: |
| **LINE MANAGER DETAILS** |
| Name: |
| Job Title:  |
| Department: |
| **PEROD OF SICKNESS ABSENCE** |
| Start Date: | End Date: |
| Reason: | Is employee fit to return to work? Y/N |
| Has a self certificate or fit note been submitted? Y/N |
| If a fit note has been submitted does it assess the employee as fit to return to work? Y/N  |
| Has Absence Reporting Procedures been adhered to? Y/N |
| Have there been any related periods of absence? Y/N |
| Are there any significant personal, family or, other reasons for the absence? Y/N |
| Is the employee aware of the Attendance Management Policy? Y/N*(If not, make employee aware and provide a copy of the policy)* |
| Is further support required to assist in attendance at work? Y/N If yes, please detail what support has been agreed and any appropriate timescales: |
| Is a referral to OHS required? Y/N |
| Does the employee require any Special Leave? Y/N |
| Has a temporary change in working pattern been agreed? Y/NIf yes, please detail the temporary change and appropriate timescales: |
| Has the employee been given contact details for Employee Counselling Services? Y/N |
| Is the employee nearing a trigger point? Y/NIf yes, has the employee been made aware of the outcome of reaching a trigger point? Y/N  |
| Has the employee reached a trigger point? Y/N*(If yes, advise employee that a Formal Absence Review Meeting will be arranged in accordance with Attendance Management Policy)* |
| Comments/ Additional Information: |
| **Employee Signature:** | **Date:** |
| **Line Manager Signature:** | **Date:**  |

**Appendix 2**

|  |  |
| --- | --- |
|  | <<Department>> |
|  | <<Address 1>> |
|  | <<Address 2>> |
|  | <<Address 3>> |
|  | <<Postcode>> |
|  |  |
| Private and Confidential | Direct Line: |  |
| <<Employee Name>> | Fax: |  |
| <<Address 1>> |  |  |
| <<Address 2>> | Date: |  |
| <<Address 3>> | Your ref: |  |
| <<Postcode>> | Our ref: |  |

Dear **<<INSERT NAME>>,**

**Failure to comply with Absence Reporting Procedures**

I refer to your current period of absence which commenced on **<<ENTER DATE>>.** I am concerned that, to date, no notification has been received as to why you have not reported for work.

I attempted to contact you on your first day of absence and telephoned you at **<<INSERT TIME>>** however you **were unavailable/the number was not obtainable** and **I** **left a message on your voicemail / left a message with your spouse, mother, father etc. <<DELETE AS REQUIRED>>**

I wish to advise you that failure to provide notification of your absence is a breach of the Absence Reporting Procedures under the Board’s Attendance Management Policy and as such, your current absence period is deemed as unauthorised. I must advise you that Payroll Department has been instructed to stop payment of occupational sick pay as of **<<ENTER DATE UNAUTHORISED ABSENCE COMMENCED>>**. Failure to comply with absence reporting procedures can also be deemed as a breach of your terms and conditions of employment, and failure to respond to this letter can be considered a failure to comply with a reasonable management request.

I therefore urge you to contact me by **<<ENTER DATE/TIME>>** and provide me with a reason as to why you have not followed normal absence reporting procedures. You should also report the reason for your absence and the likely return to work date in order that I may support you in returning to work. My contact details are noted above.

A copy of the Board’s Attendance Management Policy and Procedure is available on HR Connect.

If you have any queries regarding the content of this letter, please do not hesitate to contact me on **<<INSERT TEL NO>>**.

Yours sincerely,

**<<LINE MANAGER NAME>>**

**<<JOB TITLE>>**

**<<SERVICE AREA >>**

|  |  |
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| **Appendix 3** | <<Department>> |
|  | <<Address 1>> |
|  | <<Address 2>> |
|  | <<Address 3>> |
|  | <<Postcode>> |
|  |  |
| Private and Confidential | Direct Line: |  |
| <<Employee Name>> | Fax: |  |
| <<Address 1>> |  |  |
| <<Address 2>> | Date: |  |
| <<Address 3>> | Your ref: |  |
| <<Postcode>> | Our ref: |  |

Dear **<<INSERT NAME>>**

**Failure to comply with Absence Reporting Procedures**

I refer to my previous letter dated **<<INSERT DATE>>** and note that you have not responded to my request that you contact me. I remain concerned about your welfare and your failure to maintain contact with the department.

I attempted to contact you by telephone on **<<ENTER DATE>>** at **<<INSERT TIME>**> however you were unavailable. I left a message **on your voicemail / left a message with your spouse, mother, father etc. <<DELETE AS REQUIRED>>**

As advised in my previous letter, you have been absent from work since **<<INSERT DATE>**> and failure to provide notification of your absence is a breach of the Absence Reporting Procedures under the Board’s Attendance Management Policy. Your current absence period is deemed unauthorised. As explained in my previous letter, I have notified Payroll to deduct Occupational Sick Pay from your next pay for your unauthorised period of absence.

I also stated in my previous letter that failure to report your reason for absence, as per the Board’s Attendance Management Policy, is viewed by the organisation as a failure to comply with a contractual requirement. Failure to respond to my initial letter can also be considered as a failure to comply with a reasonable management request. Your actions may be deemed as misconduct that may lead to disciplinary action.

I request that you contact me within **<<INSERT NUMBER OF DAYS>>** from the date of this letter and provide me with your reasons for absence and a reason as to why you have made no contact with the department. Failure to do so may result in formal action under the Board’s Disciplinary Policy and Procedure.

A copy of the Board’s Attendance Management Policy and Procedure is available on HR Connect.

If you have any queries regarding the content of this letter, please do not hesitate to contact me on **<<INSERT TEL NO>>**.

Yours sincerely,

**<<LINE MANAGER NAME>>**

**<<JOB TITLE>>**

**<<SERVICE AREA >>**

|  |  |
| --- | --- |
|  |  |
| **Appendix 4** | *<<Address 1>>* |
|  | <<Address 2>> |
|  | <<Address 3>> |
|  | <<Postcode>> |
|  |  |
|  | Direct Line: |  |
|  | Fax: |  |
|  |  |  |
|  | Date: |  |
|  | Your ref: |  |
|  | Our ref: |  |

Dear <<INSERT NAME>>

**NON SUBMISSION OF FIT NOTE**

I am contacting you in relation to your current period of sickness absence which commenced on **<<INSERT DATE>>.**

I am concerned that you have failed to provide a fit note**/or**, your last fit note expired on  **<<INSERT DATE>>** and I have not yet received a further fit note covering absence from this date. I attempted to contact you on **<<INSERT DATE>>** and telephoned you at **<insert time> however you were unavailable/ I left a message on your voicemail / left a message with your spouse, mother, father etc. <<DELETE AS REQUIRED>>**

I would urge you to contact me immediately on **<<INSERT NUMBER>>** to confirm that you have obtained appropriate medical certification and that it is in the process of being submitted.

I would like to remind you that in terms of the Attendance Management Policy you are required to ensure that periods of absence of 8 days or more are covered with the appropriate fit note and when this expires, another is needed if you have not returned to work. Failure to submit a fit note may result in your absence being recorded as unauthorised leave for which you will not receive occupational sick pay.

I trust that this is an oversight and that you will make arrangements to submit your fit note by return. Equally, if your certificate has now been sent can you please ensure future certificates are posted / submitted timeously to avoid any misunderstanding.

Please note that failure to submit fit notes, as per the Attendance Management Policy, is viewed by the organisation as a failure to comply with a contractual requirement. Failure to respond to this letter is viewed as a failure to comply with a reasonable management request. Both are deemed as misconduct that may lead to further action in accordance with Disciplinary Policy and Procedures.

A copy of the Board’s Attendance Management Policy and Procedure is available on HR Connect.

If you have any queries regarding the content of this letter, please do not hesitate to contact me on **<<INSERT TEL NO>>**.

Yours sincerely,

**<<LINE MANAGER NAME>>**

**<<JOB TITLE>>**

**<<SERVICE AREA>>**

|  |  |
| --- | --- |
| **Appendix 5** | <<Department>> |
|  | <<Address 1>> |
|  | <<Address 2>> |
|  | <<Address 3>> |
|  | <<Postcode>> |
|  |  |
| Private and Confidential | Direct Line: |  |
| <<Employee Name>> | Fax: |  |
| <<Address 1>> |  |  |
| <<Address 2>> | Date: |  |
| <<Address 3>> | Your ref: |  |
| <<Postcode>> | Our ref: |  |

Dear <<INSERT NAME>>

**FAILURE TO SUBMIT FIT NOTE**

Further to my letter of **<<INSERT DATE>>** I have still not received your fit note due on **<<INSERT DATE>>** to cover the period from **<<INSERT DATE>>.** I did request that you can contact me and you have failed to do so. I therefore write to advise you that your absence has been deemed unauthorised and I have notified the Pay Office to stop your Occupational Sick pay.

I remain concerned about your welfare and by your failure to maintain contact with the department. I attempted to contact you on **<<INSERT DATE>>** and telephoned you at **<<INSERT TIME>>** **however you were unavailable/ I left a message on your voicemail / left a message with your spouse, mother, father etc.** **<<DELETE AS REQUIRED>>**

As advised in my previous letter, failure to submit a fit note is a breach of your responsibilities under the absence reporting procedures as outlined in the Attendance Management Policy.

I also stated in my previous letter that failure to report your absence, as per the Attendance Management Policy, is viewed by the organisation as a failure to comply with a contractual requirement. Failure to respond to my initial letter and this letter can be considered as a failure to comply with a reasonable management instruction. Both are deemed as misconduct that may lead to further action under the Disciplinary Policy and Procedures.

In order that I can understand your reasons for failing to follow the policy, I would request that if you would attend an investigatory meeting at **<<INSERT TIME>>** on **<<INSERT DAT**E**>>** in **<< INSERT LOCATION>>** convened under the Board’s Disciplinary Policy.

Please confirm your attendance at this meeting by contacting **<<INSERT NAME>>** by telephone on **<<INSERT NUMBER>>.**

You are entitled to be represented by a Trade Union / Professional Organisation representative or accompanied by a colleague, friend or relative not acting in a legal capacity.

Please let me know before the meeting if you need me to make any special arrangements to enable you to attend the meeting.

A copy of the Board’s Disciplinary Policy and Procedure is available on HR Connect.

If you have any queries regarding the content of this letter, please do not hesitate to contact me on **<<INSERT TEL NO>>**.

Yours sincerely

**<<LINE MANAGER NAME>>**

**<<JOB TITLE>>**

**<<DIRECTORATE>>**

|  |  |
| --- | --- |
| **Appendix 6** | <<Department>> |
|  | <<Address 1>> |
|  | <<Address 2>> |
|  | <<Address 3>> |
|  | <<Postcode>> |
|  |  |
| Private and Confidential | Direct Line: |  |
| <<Employee Name>> | Fax: |  |
| <<Address 1>> |  |  |
| <<Address 2>> | Date: |  |
| <<Address 3>> | Your ref: |  |
| <<Postcode>> | Our ref: |  |

Dear **<<INSERT NAME>>**

**Invitation to Disciplinary Hearing**

I refer to previous correspondence sent to you by your line manager on **<<INSERT DATE>>,** and to the previous letter regarding non-reporting of absence sent to you on **<<INSERT DATE>>** in which you were invited to attend a formal absence review meeting to discuss your absence.

You have now failed to attend a meeting on **<<INSERT DATE>>** and **<<INSERT DATE>>**, therefore your Occupational Sick Pay has been stopped with effect from **<<INSERT DATE >>** and the matter referred to me for consideration.

Your continued absence gives cause for concern as you have not made contact to report your absence since **<<INSERT DATE>>** date.

In addition, your repeated failure to attend a formal absence review is deemed as failure to comply with a reasonable management instruction and a contractual requirement. This is deemed as misconduct which may lead to formal action under the Board’s Disciplinary Policy & Procedure, a copy of which is enclosed.

I have therefore arranged the following Disciplinary Hearing which you are requested to attend in line with the Board’s Disciplinary Policy & Procedure. The hearing is to answer the allegation of failure to comply with absence reporting procedures.

**Location : <<INSERT LOCATION DETAILS>>**

**Date : <<INSERT DATE >>**

**Time : <<INSERT TIME>>**

The disciplinary panel will consist of **<<INSERT HR REP**>> and myself. Also in attendance to present the management statement of case will be **<<LINE MANAGERS NAME>>.**You are entitled to be represented by a Trade Union / Professional Organisation representative or accompanied by a fellow member of staff or a friend or relative not acting in a legal capacity. You have the right to submit a supporting statement of case, which you should submit to me prior to the hearing.

I must advise you that one potential outcome of this hearing could be that disciplinary action might be taken against you, including dismissal.

A copy of the Board’s Disciplinary Policy and Procedure is available on HR Connect.

Please let me know before the hearing if you need me to make any special arrangements to enable you to attend.

Please confirm your attendance at this hearing by contacting **<<INSERT NAME>>** by telephone on **<<INSERT TELEPHONE NUMBER>>**,upon receipt of this letter.

Yours sincerely,

**<<SENIOR MANAGER WITH AUTHORITY TO DISMISS>>**

**<<JOB TITLE>>**

**<<SERVICE AREA>>**

**Appendix 7**

|  |  |
| --- | --- |
|  | <<Department>> |
|  | <<Address 1>> |
|  | <<Address 2>> |
|  | <<Address 3>> |
|  | <<Postcode>> |
|  |  |
| Private and Confidential | Direct Line: |  |
| <<Employee Name>> | Fax: |  |
| <<Address 1>> |  |  |
| <<Address 2>> | Date: |  |
| <<Address 3>> | Your ref: |  |
| <<Postcode>> | Our ref: |  |

Dear **<<INSERT NAME>>**

**Invitation to Disciplinary Hearing – Rescheduled**

I write further to my letter dated **<<INSERT DATE>>** where you were invited to attend a Disciplinary Hearing on **<<INSERT DATE>>**. However, you did not attend this hearing and have provided no explanation for your non-attendance/ I am aware that you cancelled this hearing due to **<<INSERT REASON>>.** **<<DELETE AS REQUIRED>>**

You have now failed to attend a meeting on **<<INSERT DATE>>** and a Disciplinary Hearing on **<<INSERT DATE>>**, therefore your Occupational Sick Pay has been stopped with effect from **<<INSERT DATE >>** and the matter referred to me for consideration.

In addition, your repeated failure to attend a formal absence review **is** deemed as failure to comply with a reasonable management instruction and a contractual requirement. This is deemed as misconduct which may lead to formal action under the Board’s Disciplinary Policy & Procedure, a copy of which is enclosed.

I have therefore arranged the following Disciplinary Hearing which you are requested to attend in line with the Board’s Disciplinary Policy & Procedure. The hearing is to answer the allegation of failure to comply with absence reporting procedures.

**Location : <<INSERT LOCATION DETAILS>>**

**Date : <<INSERT DATE >>**

**Time : <<INSERT TIME>>**

The disciplinary panel will consist of **<<INSERT HR REP**>> and myself. Also in attendance to present the management case will be **<<LINE MANAGERS NAME>>.** You are entitled to be represented by a Trade Union / Professional Organisation representative or accompanied by a fellow member of staff or a friend or relative not acting in a legal capacity. You have the right to submit a supporting statement of case, which you should submit to me prior to the hearing.

I must advise you that one potential outcome of this hearing could be that disciplinary action might be taken against you, upto and including dismissal.

You should be aware that if you fail to attend this Disciplinary Hearing a decision will be made in your absence with regard to your future employment with NHS Greater Glasgow & Clyde Health Board.

A copy of the Board’s Disciplinary Policy and Procedure is available on HR Connect.

Please let me know before the hearing if you need me to make any special arrangements to enable you to attend.

Please confirm your attendance at this hearing by contacting **<<INSERT NAME>>** by telephone on **<<INSERT TELEPHONE NUMBER>>,** upon receipt of this letter.

Yours sincerely,

**<<SENIOR MANAGER WITH AUTHORITY TO DISMISS>>**

**<<JOB TITLE>>**

**<<SERVICE AREA>>**

**Appendix 8**

|  |  |
| --- | --- |
|  | <<Department>> |
|  | <<Address 1>> |
|  | <<Address 2>> |
|  | <<Address 3>> |
|  | <<Postcode>> |
|  |  |
| Private and Confidential | Direct Line: |  |
| <<Employee Name>> | Fax: |  |
| <<Address 1>> |  |  |
| <<Address 2>> | Date: |  |
| <<Address 3>> | Your ref: |  |

Dear <<INSERT NAME>>

**Formal Absence Review Meeting**

I refer to your recent return to work interview meeting at which we discussed your level/pattern of attendance, which I have previously advised has given me cause for concern and is below the acceptable standard.

Having reviewed your attendance record a formal absence review meeting has been arranged to discuss your level/pattern of attendance and the details are listed below.

**Location : <<INSERT LOCATION DETAILS>>**

**Date : <<INSERT DATE>>**

**Time : <<INSERT TIME>>**

This meeting has been convened in line with the Board’s Attendance Management Policy and is intended to ensure that the facts relating to your episodes of absence are clearly understood and that you receive appropriate management interventions, including support to improve your attendance levels where appropriate. The meeting will outline any further action that may be taken.

I must inform you that one possible outcome of this meeting being undertaken is that the case may be referred for consideration at a Disciplinary Hearing. Disciplinary action may be taken against a member of staff who has a level of attendance which is of concern. I attach a copy of your sickness absence record for the past twelve months.

You are entitled to be represented by a Trade Union / Professional Organisation representative or be accompanied by a colleague, friend or relative not acting in a legal capacity. I would be grateful if you could notify me in advance of the meeting to confirm if you will be attending accompanied in order for me to make arrangements for attendance by an HR Representative.

Please let me know before the meeting if you require me to make any special arrangements to enable you to attend the meeting.

A copy of the Board’s Attendance Management Policy and Procedure is available on HR Connect.

Please confirm your attendance at this meeting by contacting **<<INSERT NAME>>** by telephone on **<<INSERT TELEPHONE NUMBER>>,** upon receipt of this letter. If you are unable to attend please contact me as soon as possible to discuss your reasons and to arrange another meeting.

Yours sincerely

**<<LINE MANAGER NAME>>**

**<<JOB TITLE>>**

**<<SERVICE AREA>>**

**Appendix 9**

|  |  |
| --- | --- |
|  | <<Department>> |
|  | <<Address 1>> |
|  | <<Address 2>> |
|  | <<Address 3>> |
|  | <<Postcode>> |
|  |  |
| Private and Confidential | Direct Line: |  |
| <<Employee Name>> | Fax: |  |
| <<Address 1>> |  |  |
| <<Address 2>> | Date: |  |
| <<Address 3>> | Your ref: |  |
| <<Postcode>> | Our ref: |  |

Dear <<INSERT NAME>>

**Failure to attend Formal Absence Review Meeting**

I write further to my letter of **<<INSERT DATE>>** in which you were invited to attend a formal absence review meeting on **<<INSERT DATE>>** to discuss your absence from work. Unfortunately you failed to attend this appointment and have provided no explanation for your non-attendance/ I am aware that you cancelled this meeting due to **<<INSERT REASON>>.** **<<DELETE AS REQUIRED>>**

I have rescheduled a further formal absence review meeting to discuss your level of attendance and the details are listed below.

**Location : <<INSERT LOCATION DETAILS>>**

**Date : <<INSERT DATE >>**

**Time : <<INSERT TIME>>**

This meeting has been convened in line with the Board’s Attendance Management Policy and is intended to ensure that the facts relating to your absence are clearly understood and that you receive appropriate management interventions, including support to improve your attendance levels where appropriate.

You are entitled to be represented by a Trade Union / Professional Organisation representative be accompanied by a fellow member of staff or a friend or relative not acting in a legal capacity. I would be grateful if you could notify me in advance of the meeting to confirm you will be attending and who will be accompanying you in order for me to make arrangements for an HR Representative to attend.

You have a requirement under the Attendance Management Policy to attend meetings when requested to do so. If you are unfit to attend the venue identified above I can make alternative arrangements for you to attend at a venue which is more convenient.

If you again fail to attend the meeting without making contact your failure to attend may be deemed as misconduct, which may lead to formal action under the Boards Disciplinary Policy & Procedure.

A copy of the Board’s Attendance Management Policy and Procedure is available on HR Connect .

Please let me know before the meeting if you need me to make any special arrangements to enable you to attend the meeting.

Please confirm your attendance at this meeting by contacting **<<INSERT NAME>>** by telephone on **<<INSERT TELEPHONE NUMBER>>,** upon receipt of this letter.

Yours sincerely

**<<LINE MANAGER NAME>>**

**<<JOB TITLE>>**

**<<SERVICE AREA>**

|  |  |
| --- | --- |
| **Appendix 10** | <<Department>> |
|  | <<Address 1>> |
|  | <<Address 2>> |
|  | <<Address 3>> |
|  | <<Postcode>> |
|  |  |
| Private and Confidential | Direct Line: |  |
| <<Employee Name>> | Fax: |  |
| <<Address 1>> |  |  |
| <<Address 2>> | Date: |  |
| <<Address 3>> | Your ref: |  |
| <<Postcode>> | Our ref: |  |

Dear **<Insert Name>**

**Outcome of Formal Absence Review Meeting**

I refer to the Formal Absence Review Meeting which took place on **<<INSERT DATE>>** in **<<INSERT VENUE>>.** This meeting was held in accordance with the Board’s Attendance Management Policy. I was accompanied by **<<INSERT HR REP>>. <<DELETE AS REQUIRED>>** I note that you were accompanied by **<insert name of companion>/** I note that you were not accompanied and were happy to proceed on this basis. **<<DELETE AS REQUIRED>>**

I advised you that your level of attendance is causing concern. This is because **(Delete as appropriate)** your absence had reached the following Trigger Point **<Insert details of absences>** / you had a period of unauthorised absence/ you failed to submit fit notes.

During this meeting I indicated that over the last twelve months you have had a total of **<<<NUMBER OF EPISODES>>** episodes of short term/ long term absence, amounting to **<<NUMBER OF DAYS>>** days when you were unable to attend for work due to sickness absence. These absences are summarised below.

|  |  |  |  |
| --- | --- | --- | --- |
| **First day of absence** | **Last day of absence** | **Number of days absent** | **Reason for absence** |
|  |  |  |  |
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**[Insert any other relevant information where appropriate]**

The following actions were agreed to help improve your attendance to a level which the organisation deems as satisfactory. The following outlines the help and support you will be given to enable you to bring your attendance up to this standard.

**[Insert details of agreed Supports, Assistance or Reasonable Adjustments].**

**[Insert details of when they will be put in place, for how long they will be put in place and who will be involved].**

**[Insert any referrals to be made by Occupational Health, when these will be made and the questions that you will explore with Occupational Health]**

**DELETE AS APPROPRIATE:**

*At the meeting I advised that your levels of attendance will continue to be monitored as there needs to be a considerable and sustained improvement in your attendance levels. If your levels of attendance continue to be a concern then you will be invited to attend a meeting. The outcome of which may recommend that a disciplinary hearing is arranged, where disciplinary action may be taken against you.*

**OR**

*As you are aware, there have been ongoing discussions regarding your attendance levels, all of which detail the procedure followed to manage your attendance levels. As there has been no improvement and in line with the Board’s Attendance Management and Disciplinary Policy and Procedure, I now have no alternative but to refer the matter to* ***<<INSERT NAME>>*** *for further consideration. In this regard,* ***<<INSERT NAME>>*** *will contact you in due course with arrangements for a Disciplinary Hearing.*

Can you please review the content of this letter and sign and return a copy to me if you are in agreement that the letter accurately reflects the content of the meeting. If you feel there are any inaccuracies, then please advise me of these in writing within 5 working days of receiving this letter. If you fail to return a signed copy of this letter or advise me of any inaccuracies within 5 working days, it will be assumed that you accept the document as an accurate account of the meeting.

If you have any queries regarding the content of this letter, please do not hesitate to contact me on **<<INSERT TELEPHONE NUMBER>>.**

Yours sincerely

**<<LINE MANAGER NAME>>**

**<<JOB TITLE>>**

**<<SERVICE AREA>>**

**Acknowledgement Form**

I, **<<INSERT EMPLOYEE NAME>>,** confirm that I have received the letter dated **<<INSERT** **DATE LETTER SENT>>** and understand all of the contents of this letter. I also agree that the letter details an accurate reflection of what was discussed at the meeting.

Signed:…………………………………………………………….. Date………………………..

**Please sign and return one copy of this letter to me within 5 working days. A copy will be placed in your personal file**

**Appendix 11**

|  |  |
| --- | --- |
|  | <<Department>> |
|  | <<Address 1>> |
|  | <<Address 2>> |
|  | <<Address 3>> |
|  | <<Postcode>> |
|  |  |
| Private and Confidential | Direct Line: |  |
| <<Employee Name>> | Fax: |  |
| <<Address 1>> |  |  |
| <<Address 2>> | Date: |  |
| <<Address 3>> | Your ref: |  |
| <<Postcode>> | Our ref: |  |

Dear **<<INSERT NAME>>**

**Invitation to Disciplinary Hearing**

I write following your formal absence review meeting with **<<INSERT LINE MANAGERS NAME>>** on **<<INSERT DATE>>** when you were advised that as you have reached a trigger point laid down within the Board’s Attendance Management Policy your Attendance Record would be forwarded to me for consideration at a Disciplinary Hearing.

**<<INSERT LINE MANAGERS NAME>>** has forwarded me a copy of the formal absence review outcome letter. Your absences are recorded as:

|  |  |  |  |
| --- | --- | --- | --- |
| **First day of absence** | **Last day of absence** | **Number of days absent** | **Reason for absence** |
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I have therefore arranged the following Disciplinary Hearing which you are requested to attend in line with the Board’s Disciplinary Policy & Procedure. The purpose of the Hearing is to discuss your absences, any support you may require to improve your attendance at work and take any appropriate action.

**Location : <<INSERT LOCATION DETAILS>>**

**Date : <<INSERT DATE >>**

**Time : <<INSERT TIME>>**

I will chair the Hearing and I will be accompanied by **<<INSERT HR REP>>.** Also in attendance to present the management case will be **<<LINE MANAGERS NAME>>.** You are entitled to be represented by a Trade Union / Professional Organisation representative or accompanied by a fellow member of staff or a friend or relative not acting in a legal capacity. You have the right to submit a supporting statement of case, which you should submit to me on or before **<<INSERT DATE 3 DAYS PRIOR TO THE HEARING>>.**

I must advise you that one potential outcome of this hearing could be that disciplinary action may be taken against you, up to and including dismissal **<<DELETE DISMISSAL IF NOT APPROPRIATE>>.**

A copy of the Board’s Disciplinary Policy and Procedure is available on HRConnect.

Please let me know before the hearing if you need me to make any special arrangements to enable you to attend.

Please confirm your attendance at this hearing by contacting **<<INSERT NAME>>** by telephone on **<<INSERT TELEPHONE NUMBER>>**,upon receipt of this letter.

Yours sincerely

**<<MANAGER NAME>>**

**<<JOB TITLE>>**

**<<SERVICE AREA>>**

**Appendix 12**

|  |  |
| --- | --- |
|  | <<Department>> |
|  | <<Address 1>> |
|  | <<Address 2>> |
|  | <<Address 3>> |
|  | <<Postcode>> |
|  |  |
| Private and Confidential | Direct Line: |  |
| <<Employee Name>> | Fax: |  |
| <<Address 1>> |  |  |
| <<Address 2>> | Date: |  |
| <<Address 3>> | Your ref: |  |
| <<Postcode>> | Our ref: |  |

Dear **<<INSERT NAME>>**

**Invitation to Disciplinary Hearing – Rescheduled**

I write further to my letter dated **<<INSERT DATE>>** where you were invited to attend a Disciplinary Hearing on **<<INSERT DATE>>.** However, you did not attend this hearing and have provided no explanation for your non-attendance/ I am aware that you cancelled this hearing due to **<<INSERT REASON>>.** **<<DELETE AS REQUIRED>>**

The Disciplinary Hearing on **<<INSERT DATE>>** had been arranged following your formal absence review meeting with **<<INSERT LINE MANAGERS NAME>>** on **<<INSERT DATE>>** when you were advised that as you have reached a trigger point laid down within the Board’s Attendance Management Policy your Attendance Record would be forwarded to me for consideration at a Disciplinary Hearing.

**<<INSERT LINE MANAGERS NAME>>** has forwarded me a copy of the formal absence review outcome letter. Your absences are recorded as:

|  |  |  |  |
| --- | --- | --- | --- |
| **First day of absence** | **Last day of absence** | **Number of days absent** | **Reason for absence** |
|  |  |  |  |
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Having reviewed this information I am inviting you to attend a Disciplinary Hearing which is convened in line with the Board’s Disciplinary Policy & Procedure. The purpose of the Hearing is to discuss your absences, any support you may require to improve your attendance at work and take any appropriate action.

**Location : <<INSERT LOCATION DETAILS>>**

**Date : <<INSERT DATE >>**

**Time : <<INSERT TIME>>**

I will chair the Hearing and I will be accompanied by **<<INSERT HR REP>>.** Also in attendance to present the management case will be **<<LINE MANAGERS NAME>>.** You are entitled to be represented by a Trade Union / Professional Organisation representative or accompanied by a fellow member of staff or a friend or relative not acting in a legal capacity. You have the right to submit a supporting statement of case, which you should submit to me on or before **<<INSERT DATE 3 DAYS PRIOR TO THE HEARING>>.**

I must advise you that one potential outcome of this hearing could be that disciplinary action may be taken against you, up to and including dismissal**.**

You should be aware that if you fail to attend this Disciplinary Hearing a decision will be made in your absence. As a result, disciplinary action may be taken which could affect your future employment with NHS Greater Glasgow & Clyde Health Board.

A copy of the Board’s Disciplinary Policy and Procedure is available on HR Connect.

Please let me know before the hearing if you need me to make any special arrangements to enable you to attend.

Please confirm your attendance at this hearing by contacting **<<INSERT NAME>>** by telephone on **<<INSERT TELEPHONE NUMBER>>**,upon receipt of this letter.

Yours sincerely

**<<MANAGER NAME>>**

**<<JOB TITLE>>**

**<<SERVICE AREA>>**

**Appendix 13**

|  |  |
| --- | --- |
|  | <<Department>> |
|  | <<Address 1>> |
|  | <<Address 2>> |
|  | <<Address 3>> |
|  | <<Postcode>> |
|  |  |
| Private and Confidential | Direct Line: |  |
| <<Employee Name>> | Fax: |  |
| <<Address 1>> |  |  |
| <<Address 2>> | Date: |  |
| <<Address 3>> | Your ref: |  |
| <<Postcode>> | Our ref: |  |

Dear <<INSERT NAME>>

**Formal Absence Review Meeting – Long Term Absence**

I write to you regarding your current episode of long term sickness absence, for which you have been absent since **<INSERT DATE>>** due to **<<REASON>>.**

In this regard a formal absence review meeting has been arranged to discuss your attendance and any support you may require to assist with a return to work. The details of this meeting are listed below for your information:

**Location : <<INSERT LOCATION DETAILS>>**

**Date : <<INSERT DATE >>**

**Time : <<INSERT TIME>>**

This meeting has been convened in line with the Board’s Attendance Management Policy and Procedure and is intended to ensure the facts relating you’re your episode of absence are clearly understood and that you receive appropriate management interventions. I must emphasise that it is not my intention to cause you any anxiety or bring you back to work while you are still unwell.

**<<HR Representative**>> will also be present at this meeting. You are entitled to be accompanied by a Trade Union representative, friend/ relative or colleague not acting in a legal capacity.

Please let me know before the meeting if you require any special arrangements to enable you to attend the meeting.

If you feel unable to attend the meeting then please contact me as soon as possible to arrange a home visit or to arrange to meet in an alternative NHS location. Additionally, a management referral to Occupational Health Services can be made to ensure that management are fully aware of the reasons for your absence and to receive advice on how best to support your rehabilitation to work.

If you are unable to attend on this date, please let me know as soon as possible and provide a reasonable explanation. I will be pleased to re-arrange the date on one other occasion.

A copy of the Board’s Attendance Management Policy and Procedure is available on HR Connect.

If you have any queries regarding the content of this letter, please do not hesitate to contact me on **<<INSERT TELEPHONE NUMBER>>**.

Yours sincerely

**<<MANAGER NAME>>**

**<<JOB TITLE>>**

**<<SERVICE AREA>>**

|  |  |
| --- | --- |
| **Appendix 14** | <<Department>> |
|  | <<Address 1>> |
|  | <<Address 2>> |
|  | <<Address 3>> |
|  | <<Postcode>> |
|  |  |
| Private and Confidential | Direct Line: |  |
| <<Employee Name>> | Fax: |  |
| <<Address 1>> |  |  |
| <<Address 2>> | Date: |  |
| <<Address 3>> | Your ref: |  |
| <<Postcode>> | Our ref: |  |

**Failure to attend Formal Absence Review Meeting – Long Term Absence**

I write further to my letter of **<<INSERT DATE>>** in which you were invited to attend a formal absence review meeting on **<<INSERT DATE>>** to discuss your absence from work. Unfortunately you failed to attend this appointment and have provided no explanation for your non-attendance/ I am aware that you cancelled this meeting due to **<<INSERT REASON>>.** **<<DELETE AS REQUIRED>>**

I have rescheduled a further formal absence review meeting to discuss your level of attendance and the details are listed below.

**Location : <<INSERT LOCATION DETAILS>>**

**Date : <<INSERT DATE >>**

**Time : <<INSERT TIME>>**

This meeting has been convened in line with the Board’s Attendance Management Policy and is intended to ensure that the facts relating to your absence are clearly understood and that you receive appropriate management interventions, including support to improve your attendance levels where appropriate.

You are entitled to be represented by a Trade Union / Professional Organisation representative be accompanied by a fellow member of staff or a friend or relative not acting in a legal capacity.

You have a requirement under the Attendance Management Policy to attend meetings with your manager when requested to do so. If you are unfit to attend the venue identified above I can make alternative arrangements for you to attend at a venue which is more convenient.

If you again fail to attend the meeting without making contact I will arrange for your Occupational Sick Pay to be withheld. In addition, if you again fail to attend this meeting you will be regarded as acting in breach of your Contract of Employment due to failing to comply with NHS Greater Glasgow and Clyde’s Attendance Management Policy and Procedure. As a result, a report would be submitted to senior management to be considered at a Disciplinary Hearing. As a result, disciplinary action may be taken against you including dismissal from NHS Greater Glasgow and Clyde.

Please let me know before the meeting if you need me to make any special arrangements to enable you to attend the meeting.

If you feel unable to attend the meeting then please contact me as soon as possible to arrange a home visit or to arrange to meet in an alternative NHS location. Additionally, a management referral to Occupational Health Services can be made to ensure that management are fully aware of the reasons for your absence and to receive advice on how best to support your rehabilitation to work.

A copy of the Board’s Attendance Management Policy and Procedure is available on HR Connect.

Please confirm your attendance at this meeting by contacting **<<INSERT NAME>>** by telephone on **<<INSERT TELEPHONE NUMBER>>,** upon receipt of this letter.

Yours sincerely,

**<<LINE MANAGER NAME>>**

**<<JOB TITLE>>**

**<<SERVICE AREA>>**

**Appendix 15**

|  |  |
| --- | --- |
|  | <<Department>> |
|  | <<Address 1>> |
|  | <<Address 2>> |
|  | <<Address 3>> |
|  | <<Postcode>> |
|  |  |
| Private and Confidential | Direct Line: |  |
| <<Employee Name>> | Fax: |  |
| <<Address 1>> |  |  |
| <<Address 2>> | Date: |  |
| <<Address 3>> | Your ref: |  |
| <<Postcode>> | Our ref: |  |

Dear **<Insert Name>**

**Outcome of Formal Absence Review Meeting – Long Term Absence**

I refer to the Formal Absence Review Meeting which took place on **<<INSERT DATE>>** in **<<INSERT VENUE>>.** This meeting was held in accordance with the Board’s Attendance Management Policy. I was accompanied by **<<INSERT HR REP>>.** I note that you were accompanied by **<<INSERT NAME OF COMPANION AND TU BODY IF APPROPRIATE>>/** I note that you were not accompanied and were happy to proceed on this basis. **<<DELETE AS REQUIRED>>.**

The purpose of this meeting was to discuss your current episode of long term sickness absence for which you have been absent since **<<INSERT DATE>>** due to **<<INSERT REASON>>.**

I am writing to confirm the details of our discussion.

**[Insert any other relevant information where appropriate]**

To continue to support you in achieving satisfactory attendance levels, the following actions were agreed. The following outlines the help and support you will be given to enable you to bring your attendance up to this standard.

**[Insert details of agreed Supports, Assistance or Reasonable Adjustments]**

**[Insert details of when they will be put in place, for how long they will be put in place and who will be involved]**

**[Insert any referrals to be made by Occupational Health, when these will be made and the questions that you will explore with Occupational Health/ insert any discussions regarding information or recommendations detailed within Occupational Health reports]**

**DELETE AS APPROPRIATE:**

*It was agreed that we would meet again within 4 to 6 weeks to review your progress and any further support that can be offered to support your rehabilitation and return to work. Therefore, I will write to you in due course confirmation the arrangements for the further formal absence review meeting.*

OR

*Based on your continued episode of long term absence, senior management will be asked to consider whether your level of attendance can continue to be sustained by the service and potential cause of action considered. This may include termination of your Contract of Employment on the grounds of ill-health. You will receive a letter confirming arrangements for a meeting with senior management to discuss your future employment.*

Can you please review the content of this letter and sign and return a copy to me if you are in agreement that the letter accurately reflects the content of the meeting. If you feel there are any inaccuracies, then please advise me of these in writing within 5 working days of receiving this letter. If you fail to return a signed copy of this letter or advise me of any inaccuracies within 5 working days, it will be assumed that you accept the document as an accurate account of the meeting.

If you have any queries regarding the content of this letter, please do not hesitate to contact me on **<<INSERT TELEPHONE NUMBER>>.**

Yours sincerely

**<<LINE MANAGER NAME>>**

**<<JOB TITLE>>**

**<<SERVICE AREA>>**

**Acknowledgement Form**

I, **<<INSERT EMPLOYEE NAME>>,** confirm that I have received the letter dated **<<INSERT** **DATE LETTER SENT>>** and understand all of the contents of this letter. I also agree that the letter details an accurate reflection of what was discussed at the meeting.

Signed:…………………………………………………………….. Date………………………..

**Please sign and return one copy of this letter to me within 5 working days. A copy will be placed in your personal file**

|  |  |
| --- | --- |
|  **Appendix 16** |  |
|  | <<Address 1>> |
|  | <<Address 2>> |
|  | <<Address 3>> |
|  | <<Postcode>> |
|  |  |
| Private and Confidential | Direct Line: |  |
| <<Employee Name>> | Fax: |  |
| <<Address 1>> |  |  |
| <<Address 2>> | Date: |  |
| <<Address 3>> | Your ref: |  |
| <<Postcode>> | Our ref: |  |

**Long Term Absence**

Thank you for attending the Formal Absence Review meeting with **<<INSERT MANAGERS NAME>>** and **<<INSERT HR REP>>, on <<DATE>>,** to discuss your health and potential for returning to work as you have been absent from work since **<<INSERT DATE>>.**

The meeting had been arranged to discuss the impact of your continuing incapacity on your future employment.

It is always most unfortunate when discussions about an employee’s future are affected by their health after years of valuable service. I have carefully considered and taken into account the circumstances surrounding your current state of health, including the advice I have received from our Consultant Occupational Physician indicating that there was no likely prospect of your return to work in any capacity in the foreseeable future. Therefore, a decision is required to be made with regards to your continuing employment. In considering all of these factors that decision was likely to be the termination of your employment on the grounds of your continuing incapacity.

You will be aware that we have looked at other options to facilitate your return to work, including reasonable adjustments that could be made to your post or alternative posts that could be sought, however, given the advice from the Occupational Health Physician and taking into account your own views this has not been possible.

We discussed the process for bringing your employment to an end and I confirmed that under the Boards scheme of delegation such a decision is required to be taken by [GM/Chief Officer name, title]. I explained that you have a right to a formal hearing with {GM/Chief Officer] prior to the decision being taken.

You confirmed that you would be happy for a recommendation to be made without a formal hearing, and for the decision to be confirmed to you in writing. I also confirmed that you would have a right to appeal against this decision.

We discussed a proposed termination date of **<<DATE>>** and I advised that I would now make a recommendation to [GM/Chief Officer] to bring your contract to an end from that date as you could not foresee a return to work in the foreseeable future.

You will be entitled to receive notice of termination to the extent of one week's pay per completed year of service, up to and including a maximum of 12 weeks' pay. You will be paid **<<INSERT NUMBER>>** weeks pay in lieu of notice which will be on full pay less any benefits which you are currently receiving. This will be paid as a one-off payment. In addition, entitlement to carry over of annual year for last year is regulated under the Working Time Directive, which allows a maximum statutory amount of 28 days, including public holidays to be paid in lieu of leave. Any such outstanding entitlement will be paid in your final salary.

You indicated that you intended to make an application, to Scottish Public Pension Agency, for Ill-Health retiral and you were supplied with the appropriate application form and the instructions for completion and return. I further advised that you may be called for a medical examination by one of the medical advisers to the Scottish Public Pensions Agency. The decision to award an ill health retiral lies solely with the Scottish Public Pensions Agency and this is separate from any decision the Board would make with regards to your continuing employment. In such case the outcome of your application would not affect the Board’s decision. **<<DELETE IF NOT SPPA MEMBER>>**

I understand your disappointment at having to leave your employment in these circumstances and take this opportunity on behalf of the Board to thank you for the valuable service you have given and to wish you well for the future.

Yours sincerely

**<<Line Manager >>**

**<< JOB TITLE>>**

**<<SERVICE AREA>>**

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| **Appendix 17** | <<Department>> |
|  | <<Address 1>> |
|  | <<Address 2>> |
|  | <<Address 3>> |
|  | <<Postcode>> |
|  |  |
| Private and Confidential | Direct Line: |
| <<Employee Name>> | Fax: |
| <<Address 1>> |  |
| <<Address 2>> | Date: |
| <<Address 3>> | Your ref: |
| <<Postcode>> | Our ref: |

Dear [Employee title, name]

I refer to the meeting at [location] on [date] with [Manager name, title] and [HR rep name, title] the purpose of which was to discuss your ongoing incapacity and your continuing employment in view of this. You were accompanied at this meeting by [Companion name].

[Manager name] advises me that she and [HR rep name] discussed with you the Impact of your ongoing absence on your future employment, taking account of the expiry of your sick pay and the advice from Occupational Health.

I understand that OHS have supported your intended application for Ill Health Retirement and that both you and the OHS Physician are of the view that you are unable to return to work in any capacity for the foreseeable future.

In view of this, the options for bringing your employment to an end were discussed with you and I understand that you were in agreement for the Board to terminate your contract on the grounds of your continuing incapacity with effect from [date]. You are aware that this decision is irrespective of the outcome of your Ill-Health Retirement application.

As such, having taken account of all of the above I am now writing to confirm the Board’s decision to terminate your employment with effect from [date] on account of your continuing incapacity. Your entitlements in this respect are as outlined in [Manager name] letter of [date].

As a formality, I am obliged to inform you that you have the right to appeal against this decision to terminate your employment and should you wish to do so you should put your appeal in writing to [name, title] within 2 working weeks of your receipt of this letter.

Finally, on behalf of the Board I would like to take this opportunity to thank you for your many years of valued service and to offer you my best wishes for the future.

Yours sincerely

**<<Line Manager >>**

**<< JOB TITLE>>**

**<<SERVICE AREA>>**

cc. [Manager name, title]

[HR rep name, title]

[TU rep name if appropriate]

**Appendix 18**

**Frequently Asked Questions and Answers**

|  |
| --- |
| **Section 1-Return to Work Discussions** |
| 1 | 1. **Should a trigger point of 8 days or more be added?**

A. On reaching a trigger point line managers must consider all the facts available and be aware of the circumstances of the particular employee’s situation. If an employee reaches the trigger of more than 8 days of short term sickness absence in a rolling 12 month period and their attendance gives management cause for concern this can be addressed at the RTWD and formal absence review meeting in accordance with the process for frequent sickness absence.  |
| 2 | **Q. Who is expected to be present at RTWD?**A. The RTWD should be a one to one discussion between the employee and line manager. However, in accordance with the Attendance Management Policy and Procedure an employee is entitled to be accompanied at the RTWD by a trade union/professional organisation representative, colleague, friend or family member. In such circumstances, the line manager can ask to be accompanied by another manager/ deputy. |
| **Section 2-Frequent Absence** |
| 3 | **Q. Will this create additional work for managers** **such as writing reports etc adding to their existing commitments?**A. The process will not involve managers writing investigation reports and for some areas may reduce the work load and time regarding referring a case to a disciplinary hearing. Following a formal absence review meeting, if a line manager has concerns regarding an employee’s level of attendance and wishes this to be considered at a disciplinary hearing then the line manager would supply the next in line manager with a SSTS print out, meeting outcome letter and any other relevant information.A report is only required when an employee is being referred to a disciplinary hearing where one potential outcome is dismissal. In such cases, support can be provided by an HR representative to the manager when compiling a report to be submitted to the next in line manager.  |
| 4 | 1. **Short or no notice of Trade Union/Professional Organisation Representative coming to the meeting, may result in cancellations or rescheduling. Is this not ineffective in terms of time and working relationships?**

A. The invite template letter requests that the employee contacts the manager, in advance, to advise if they will be attending the meeting accompanied in order for the manager to arrange a HR Representative to be present. Therefore, it is envisaged that there would be adequate time if a manager was to request for a HR Representative to also be present at the meeting.  |
| 7 | **Q. Will there be standard documentation?**A. Yes, copies of all attendance template letters and appropriate documents are included within this pack.  |
| 8 | **Q. Is there a template letter which covers all the relevant HR aspects and which managers can then populate with the detail of the absences?**A. Yes, copies of all attendance template letters and appropriate documents are included within this pack.  |
| **Section 3- Disciplinary Hearing** |
| 11 | **Q. Can there be clarification about HR input prior to referral?**A. In cases being referred to a disciplinary hearing regarding frequent sickness absence there will not normally be HR representation at the formal absence review meeting unless this is complex or the employee has intimated that they will be accompanied. Therefore, if a manager has any questions regarding the outcome from a Formal Absence Review meeting and whether it is reasonable to refer to the next in line manager for consideration at a disciplinary hearing advice from the HR Support & Advice Unit can be sought.  |
| 12 | **Q. If the employee disputes information in outcome letter can the original manager be called to the hearing to allow chair to clarify?**A. One purpose of sending the employee a copy of the meeting outcome letter to agree that the contents are accurate or to highlight amendments is to reduce any potential for future dispute, including at the disciplinary hearing. Therefore, any disputes regarding the information in the meeting outcome letter should be resolved prior to a disciplinary hearing. The manager who oversaw the attendance process will be present at the disciplinary hearing to discuss any inconsistencies. |
| 13 | **Q. In the case of potential dismissal can HR be present to support the presenting manager?**A. Yes, if requested an HR Representative can be present to support the presenting manager in cases of potential dismissal. An HR representative will always be present to support the disciplinary chair.  |
| 14 | **Q. Who is the person who relays the detail of the case to the disciplinary manager?**A. The manager who conducted the Formal Absence Review meeting and has concerns regarding the employee’s attendance levels is responsible for referring the case to the next in line manager for consideration at a disciplinary hearing.  |
| 15 | **Q. What is the timescale for sending the letter?**A. A disciplinary hearing invite letter should be sent to the employee at least 5 working days prior to the hearing date. To ensure that the employee has adequate time to prepare their case particularly when the issue is complex, it is advisable to give a longer period of notice of the disciplinary hearing.The disciplinary outcome letter should be sent out within 5 working days from the date of the disciplinary hearing. Both the disciplinary invite and disciplinary outcome letters are sent from the disciplinary chair.  |
| 16 | **Q. If amendments are not agreed by the chair/HR how is this resolved/recorded?**A. If an employee returns the disciplinary outcome letter with amendments which are not agreed by the disciplinary panel then both copies of the letter (original and amended) should be retained together in the employee’s personal file for the warning duration.  |
| 17 | **Q. Who prepares the case for potential dismissal and does this not require HR?**A. The manager referring the case to the manager with authority to dismiss will prepare the report. This report will consist of a summary of any meetings and support and will include meeting out letters, OHS reports and any other relevant documentation. In such cases, support can be provided by an HR representative when compiling a report. |
| 18 | **Q. Is it not essential that HR is present to support the presenting manager?** A. No, an HR Representative will be present as part of the disciplinary panel to provide policy advice to all parties present.  |
| **Section 4- Further Episodes of Sickness Following a Disciplinary Hearing** |
| 19 | **Q. Why do we not act on the first additional absence?**A. If an employee’s levels of attendance are to be monitored as an outcome of the formal absence review or disciplinary hearing then the employee should be given an opportunity to improve. A manager should consider any further episodes of sickness absence and the reasons for this at the RTWD. If a manager does continue to have concerns regarding an employee’s levels of attendance then a formal absence review meeting should be arranged. Advice regarding this can be sought from the HR Support & Advice Unit for individual cases. |
| 21 | **Q. Why has it to be a different manager?**A. It is best practise to have an independent manager chair the disciplinary hearing who has not been involved in any previous investigations, attendance meetings or disciplinary hearings for the employee. This is to prevent any concerns being raised that the disciplinary chair is biased due to previous involvement. |
| **Section 5- Long Term Sickness Absence** |
| 22 | **Q. Will HR be involved in all steps for the management of long term sickness?**A. Yes, the line manager will be supported by an HR representative |
| 23 | **Q. In relation to documentation, will this lead to additional time required by managers to complete?**A. HR support will be available to managers when compiling outcome letters for long term sickness absence. Furthermore, comprehensive template letters have been drafted which should reduce the need to create/ produce lengthy letters.  |
| 24 | **Q. The process suggests that’s the employee can respond with amendments within 5 working days of the date the letter was sent, if changes are made will this not require more admin work?**A. If amendments are received from the employee this will result in amending the outcome letter if the manager is in agreement with the amendments. This should not result in excessive admin work. If the manager does not agree with the employees amendments then both the original and amended letter will be retained within the employee’s personal file.  |
| 26 | **Q. Considering that potential dismissals may result in dismissal, is it not then essential that the presenting manager is supported by HR, even without request?**A. In most cases it is likely that a HR Representative will be present to support the presenting manager for potential dismissal cases. If there has not been a HR Representative involved with the case the relevant manager will require to contact HR Support and Advice Unit and request support.  |

**Appendix 19**

**Additional Guidance**

1. **CERTIFICATION & KEEPING IN TOUCH**

***Self Certification***

If an employee is absent due to illness for a period of 4 up to and including 7 days, the employee is required to self certify their absence. The employee should obtain and complete the Self Certification Form (SC2) and submit this to their manager within 7 days of the start of their absence.

All absence days must be recorded for the purposes of Occupational and Statutory Sick Pay. This includes non-working days and weekends where the employee does not normally work on a Saturday or Sunday. However, for the purposes of monitoring absences to establish whether a Trigger Point has been reached for a Formal Absence Review Meeting, non­working days should not be taken into consideration.

***Fit Note***

If an employee’s absence continues for 8 days or more, the employee will be required to submit a fit note from their GP or, hospital certificate and ensure that all days in the absence period are covered.

Where any absence period is not covered by fit note, this will also result in an employee having unauthorised absence which may lead to the Occupational Sick Pay being withheld and potential action under the Disciplinary Policy and Procedure.

***Keeping in Touch during Short Term Absence***

When an employee reports that they are likely to return to work within 7 days of absence, further contact is not usually necessary.

In cases of short term absence of more than 7 days but where the nature of the illness is not likely to be serious or long term, you may agree the level of contact. For example, the employee contacts you by telephone on a weekly basis to provide you with an update of their health, progress and potential return to work date.

***Keeping in Touch during Long Term Absence***

In cases of long term absence of more than 28 days and where the employee’s medical circumstances permit, agree a frequency of contact by telephone with the employee, dependant on the circumstances of the case. In cases of long term absence you should aim to meet with the employee on a 4 weekly basis.

Serious Illness or Injury

* In cases of traumatic injury or, sudden serious illness or disability use your discretion until the longer-term prognosis becomes clearer. You may need to discuss with relatives or, other carers the best time to contact the employee in the initial stages.
* Where the employee is unable due to illness, injury or disability to remain in touch, you may agree an alternative method and frequency of contact appropriate to the individual circumstances. For example, use of e-mail or, letter or, obtaining information on their health, wellbeing and likely length of absence from a spouse or, relative.

Planned Surgery

* If your member of staff is undergoing planned treatment, such as surgery, agree the Keeping in Touch process prior to the employee stopping work.

**Short Term Frequent Absence**

4 episodes of absence in a rolling 12 month period (all episodes of absences that occur, both long term and short term should be counted in the rolling 12 month period including any relevant periods or patterns of absence prior to the 12 month period. For complex cases this can be up to the previous 5 years)

More than 8 days of short term sickness absence in a rolling 12 month period

NB. Episodes of absence should not be pro-rated for part-time employees when reviewing whether an employee has reached a Trigger Point.

Any relevant periods or patterns of absence prior the 12 month rolling period should also be considered where short term absence has taken place year on year.

1. **THE EQUALITY ACT 2010**

The law relating to disability discrimination is governed by the Equality Act 2010

The Key Provisions of the Act are that employers:

* Must not treat any employee, worker or job applicant unfavourably for a reason relating to the individual’s disability, unless they can show that the treatment is justified
* Make reasonable adjustments to working arrangements, working practices and premises in order to accommodate the individual needs of a disabled worker

There is also a duty to take positive steps to support an employee who has a disability in order to enable them to remain in employment and perform their job successfully.

**Definition of ‘Disability’**

Disability is a protected characteristic under the Equality Act 2010. A person has a disability if he/she 'has a physical or mental impairment, and the impairment has a substantial and long-term adverse effect on his or her ability to carry out normal day to day activities'.

The effect must be long term therefore the condition should last for or, be reasonably expected to last for 12 months or, more. Therefore, someone who has become disabled suddenly could be protected under the Equality Act 2010. Also, someone who has a terminal illness and is likely to survive less than 12 months is also protected under the Equality Act 2010.

Effects that are not long term would therefore include loss of mobility due to a broken limb that is likely to heal within 12 months and the effects of temporary infections, from which a person would be likely to recover within 12 months.

The impairment must affect normal day-to-day activities therefore; ‘normal’ day to day activities are ones carried out by most people on a fairly regular basis such as lifting and carry a shopping bag or, books. Highly specialised activities such as playing a musical instrument would not fall within this definition. However, bear in mind that someone who is affected in such a specialised way but is also affected in normal day to day activities would be covered by this part of the definition.

Impairment will only be taken to amount to a disability in law if it has a substantial (more than trivial) and adverse affect on one or, more of the following:

* Mobility
* Manual dexterity
* Physical co-ordination
* Continence
* Ability to lift, carry or, otherwise move everyday objects
* Speech, hearing, eyesight
* Memory or, ability to concentrate, learn or, understand
* Perception of the risk of physical danger
* A person with a severe disfigurement is also classed as disabled under the Equality Act 2010

Types of conditions covered under the Equality Act 2010:

* Any physical illness that lasts more than 12 months
* Progressive illnesses, such as Alzheimer’s disease, HIV & AIDS, muscular dystrophy, cancer, multiple sclerosis, ME
* Intermittent conditions, such as rheumatoid arthritis provided that when the condition does occur it has a substantial effect on the individual; the person is protected by the Equality Act 2010 at all times, including periods when the condition is in remission
* Dyslexia, if its effects are substantial
* Learning disabilities and difficulties
* Some stress-related conditions, whether or, not they have been precisely diagnosed, so long as they have a substantial and adverse effect on the individual

Mental Illness and the Equality Act 2010:

Mental illness may range from serious long-term illness such as schizophrenia through to depression and some stress-related conditions.

Employees who have, or have had, any type of substantial and long-term mental illness or impairment, whether or not it amounts to a clinically well-recognised mental illness, are protected under the Equality Act 2010.

**Past Disabilities**

If an employee has had a condition or, illness in the past which at the time amounted to a disability, he/she retains permanent protection against discrimination for a reasons related to that disability.

Types of conditions not covered under the Act:

Conditions that are not covered under the Act include;

* Addiction or, dependency on alcohol, nicotine or drugs (other than prescribed)
* Hay Fever
* Certain mental conditions including tendency to set fires, steal, voyeurism

Although addiction to alcohol and drugs are excluded from the scope of protection under the Act, an individual with such an addiction may become disabled as a consequence of it. For example, someone with an alcohol addiction may develop liver disease as a consequence of persistent heavy drinking and become disabled.

Justification for disability discrimination

Treatment of an employee unfavourably for a reason which relates to disability is capable of justification. However, discriminatory treatment will never be capable of justification unless you have first made all possible reasonable adjustments to assist and support the employee. If there are no reasonable adjustment that would help or, if all reasonable adjustments have already been made, you may be able to justify discriminatory treatment. For example, you may be able to justify dismissal where it has become impossible, extremely difficult or highly impractical for the employee to do their job and there are no adjustments that would improve the situation.

**Criteria for an adjustment to be reasonable**

When considering whether the reasonable adjustments advised to you by Occupational Health are reasonable and practical for you to implement, it is important to consider;

* The financial cost of the adjustment
* Your resources (budget) and that of the organisation
* How effective the reasonable adjustment may be in helping the employee and having the effect of improving attendance to an acceptable level
* The extent to which making the adjustment would prevent the effect in question
* The extent to which making the adjustment would disrupt any of your operational activities
* The extent to which making the adjustment would disrupt other employees or clients
* The extent to which you have the financial or, other assistance to help you make the adjustment

1. **OCCUPATIONAL HEALTH**

Occupational Health is a specialist area of medical practice concerned with the effects of the working environment on the health of the workers, as well as the workers’ health on their ability to perform job tasks. It aims to protect and promote the health, safety and well-being of working people.

The role of Occupational Health Specialists is to work collaboratively to:

* Provide advice about fitness to work
* Assist in the management of work-related risks to health
* Minimise the effects of health conditions (on work and in general)
* Advise on aspects of rehabilitation of individuals back into the workplace
* Promote the general health of employees

The Occupational Health Service offer a range of services to employee’s including:

* Employee Counselling
* Advice on Needle stick and other injuries
* Participating in the Healthy Working Lives Award scheme.
* Travel Vaccination Information via HR Connect
* Promotion of the staff Smoking Cessation Service
* Self Referral
* Physiotherapy

In order that you are provided with independent medical advice on health related absence for an employee, you should make a management referral to Occupational Health.

Do not make a referral where there are frequent or, persistent short term absences and there is no evidence of an underlying health condition. This applies even when the employee has reached a trigger point for a formal absence meeting. Where this is the case, you may seek advice from your HR representative and manage the case in accordance with the Disciplinary Policy.

***Attending Occupational Health appointments***

Advise the employee that they will be notified of the Occupational Health appointment by letter directly from the Occupational Health Service. Inform the employee if they are unable to attend a scheduled appointment, they should notify you and Occupational Health as soon as possible. The appointment will be re-scheduled to a suitable alternative date.

If the employee fails to attend an Occupational Health appointment without prior notification, you should write to the employee informing them that failure to attend a further appointment, without due cause, may result in further action including the withdrawal of Occupational Sick Pay. Inform the employee that any refusal to co-operate will result in management decisions being made with the information that is available.

***Self-referral***

You may highlight to the employee at an appropriate absence meeting that he/she may make a confidential self-referral to Occupational Health Service for any health related matter, particularly if it is affecting their work.

As a manager, you will not receive an Occupational Health report from a self referral but the member of staff may give consent for an advice note to be sent to you. This will not be a comprehensive report.

***Case Conference***

In complex absences cases you may request a case conference with the Occupational Health Specialist who is reviewing the employee. This would be appropriate where you require further specific information or, wish to discuss the case in more depth so you have the information you require to make appropriate management decisions on the way forward. The case conference may involve yourself and an HR representative or, it may also include the employee and their trade union representative where you believe this would benefit the process. Your HR representative will provide you with guidance and advice. However, in general, there is no reason for a disabled employee to have significantly more absences than a non-disabled employee.

Access To Work Programme may provide financial help to the employer to meet part or, all of the costs of any adjustments required to the employee’s working environment and additional support that some disabled employees require to work effectively. Access to Work is run by the Employment Service. Contact your HR representative or further advice if required.

1. **EMPLOYEE SUPPORT AND REASONABLE ADJUSTMENTS**

***Offering Employee Support and Reasonable Adjustments***

You should consider each absence case individually when considering what type of employee support, assistance and reasonable adjustment may help improve the employee’s attendance. This will involve careful consideration of the reasons, causes, length of absence and surrounding circumstances of each case using information provided to you by the employee, on medical certificates and from Occupational Health. Offering supports, assistance and reasonable adjustments should be considered, where appropriate do so. This may be at any point during the absence management process and must be confirmed in writing to the employee following the meeting.

Caution requires to be exercised when making temporary changes to the employee’s role and job tasks. If these temporary changes continue for a lengthy period of time, this could lead to contractual, job description and potentially equal pay issues for the organisation which the manager will be responsible for addressing where challenged.

You are not expected to create a special or different job for the employee concerned, nor to be a medical expert, but to take action based on information that you have available. Failure to make a reasonable adjustment for a disabled employee amounts to discrimination in its own right as this failure places the disabled employee at a disadvantage when compared to a non-disabled employee. It is important that you take the initiative to identify any support and measures that will assist the disabled employee in the workplace. This is because there is a duty on employers to know or, to ought to know that the employee is disabled.

On making a referral to the Occupational Health Service, you will be provided with a report that will inform you if the employee is likely to be covered by the Equality Act and the reasonable adjustment(s) that you should consider. However, do not feel obliged to accept or, dismiss any adjustments identified. If you believe the recommendations cannot be accommodated as it would have a negative effect on service delivery you should contact Human Resources to discuss further before you make a decision.

You should explore directly with the employee the advice on reasonable adjustments and measures that are likely to be effective in supporting them in the workplace. The employee is also likely to have a much clearer and more in-depth knowledge and understanding of what changes to working practices would be most helpful.

***Examples of Reasonable Adjustments***

In contrast with the previous legislation (Disability Discrimination Act 1995), the Equality Act 2010 does not set out examples of the kinds of steps that an employer may have to take in relation to a disabled worker. However, a list of possible reasonable steps which is not exhaustive would include;

* Changes to premises, such as relocating shelves for ease of reach, re design of workstation, installing a handrail, putting in ramps, widening doorways
* Modified or, Specialist equipment, such as adjustable desk, voice-activated software, dyslexia software, touchpads, ergonomic keyboard, screen magnifiers or, large print material
* Technical Communication Aids, such as amplified telephone, text phone or, radio microphone
* Provision of a Reader, Interpreter or, Note-Taker
* Modified instruction or, reference manuals
* More frequent breaks from sitting at a desk or, using a computer where the employee suffers from a musculo-skeletal condition
* More frequent rest breaks where the employee is taking medication and tires easily
* Altering working hours/pattern
* Temporary or permanent change in working hours or pattern, such as later start and finish time, change from night shift to day shift where the employee has mobility impairment and this would help with travelling or, if the employee has a mental illness, for example
* Temporary or permanently reduced hours, for example, part time employment or job sharing
* Temporary change to tasks or duties
* Permanent re-allocation of tasks or some tasks to another employee where the task is only a minor element of the employee’s job, or if it is only carried out occasionally
* Change of place of work or training, where it is feasible to move the employee’s job to another work location in such circumstances where the employee has limited mobility or uses a wheelchair
* Time off to attend medical appointments, therapy and treatment or, alternatively, altering the employee’s working hours (temporarily or permanently) to fit in with scheduled appointments or with the availability of a carer
* Permanent Redeployment to another suitable alternative post where the current post is unable to be adjusted to meet the needs of the employee. You should liaise with your HR representative prior to proceeding. Where there is redeployment to a post on a lower grade, the new post will not attract protection but will be subject to the salary, terms and conditions applicable to the new post
* Provision of additional supervision, mentor or buddy may be appropriate to support an employee with a mental impairment or physical condition.
1. **PHASED RETURN TO WORK**

The purpose of the Phased Return to Work is to enable the member of staff to work towards fulfilling all their duties and responsibilities within a defined and appropriate time period, through interim flexible working arrangements.

***Implementing a Phased Return to Work***

You should consider Phased Return to Work interventions using the follow process:

* Following a management review of the employee’s skills, abilities and likely needs of the service
* Recommendation from Occupational Health and subject to line management agreement of the adjustments to duties, working arrangements and timescales
* Agreement with the employee at an appropriate absence management meeting in which the employee may be represented or, accompanied

***Timescales of a Phased Return to Work***

You should obtain an Occupational Health report, in which you request whether there are any adjustments to tasks or, working hours or, shift patterns that would assist the employee’s successful return to work. Where practical, obtain this information prior to the employee returning from a long period of absence as this will allow you time to make the necessary arrangements for the employee on their return.

Occupational Health may also provide you with a recommended timeframe which these adjustments should be implemented. If this is not provided, discuss and agreed a suitable timeframe with the employee. A phased return to work programme is normally for a period of one month however this timescale can be extended depending on the circumstances.

If the phased return to work is recommended for a longer period of time or, permanently for an employee who is likely to be protected under the Equality Act, you should discuss this with your HR representative and the employee. You should determine whether the post can be adjusted to meet their needs without fundamentally altering the employee’s job description.

If making changes are likely to fundamentally alter the job, you should discuss other options, such as whether redeployment to another role would be reasonably practical. If this is the case, you should ensure you take guidance from HR.

If recommended changes would not fundamentally impact the employee’s job description and the changes are not required for a period of more than around 3 months. If it does you should discuss this with your HR representative. You should ensure that variations to contract and pay due to reduced hours or, temporary change to tasks or, duties are appropriately recorded on the Notification of Change Form. Also, you should ensure these changes are formally recorded in the appropriate follow up letter with a copy provided to the employee and a copy placed in the employee’s Personnel file.

If the employee does not have sufficient annual leave, discuss this with your HR representative to establish what other types of leave may be used in this circumstance; a combination of unpaid and annual leave could be used. Ensure that you complete a Notification of Change Form to implement any agreed changes to salary over the phased return to work period.

Any employee who is not able to use up their leave entitlement in a given year because of sick leave will be entitled to the difference between any annual leave and/or public holidays taken before sick leave began and the statutory entitlement. From 1st April 2009 the Working Time Directive statutory entitlement to annual leave is 5.6 weeks (28 days). This should be carried over and added to the entitlement in the new leave year or, where an employee is unable to return to work or is dismissed on the grounds of incapacity due to ill health, accrued annual leave will be paid in lieu. It should be noted that staff are entitled to statutory leave only and employees are not entitled to carry over (or be paid on termination) the full amount of leave provided by their NHS terms and conditions of employment.

***Payment during Phased Return to Work***

The employee may use annual leave they have either accrued during sickness absence or, their current annual leave allowance for part or, all of the phased return to work period. The use of annual leave will ensure payment for the period of the phased return that is not worked.

1. **MANAGING PREGNANCY RELATED ABSENCE**

Under the Sex Discrimination Act 1975 (SDA), pregnant employees have special protections in the workplace against all discrimination.

* Pregnant employees are covered by a ‘protected period’ which starts from the beginning of pregnancy and ends at the expiry of the maternity leave period or, when the employee returns to work, whichever is sooner
* Pregnant employees are protected against less favourable treatment on grounds of pregnancy-related illness
* There will be no discrimination on grounds of pregnancy if the manager is not aware of the pregnancy
* Any absences related to pregnancy included in any assessment of the employee’s sickness record which leads to detrimental treatment, for example non-selection for a promoted post, disciplinary action, dismissal, redundancy or, demotion will be vulnerable to a claim of sex discrimination

Therefore, you should ensure any absence as a result of pregnancy-related illness that occur between the beginning of pregnancy until the end of maternity leave, is recorded as pregnancy-related sickness absence. It is appropriate to record this separately from other absences.

You should not count pregnancy-related sickness absence for the purposes of assessing Trigger Points in which to conduct a Formal Absence Review Meeting or, in undertaking formal processes under the Attendance Management Policy. In most cases, formal action including dismissal is likely to be unlawful.

In cases where persistent frequent and/or continuous or, repeated long term absence due to pregnancy-related absence is becoming intolerable for your department to support, you must seek HR advice on the best way forward.

An employee who is absent due to a pregnancy-related illness during the four weeks period prior to her expected week of childbirth can be required to start her maternity leave early, and will be entitled to maternity pay and not sick pay. Odd days of pregnancy-related illness during this period may be disregarded if the employee wishes to defer the start of her maternity leave period and a risk assessment does not indicate that carrying out work will endanger her pregnancy.

1. **MANAGING ABSENCE DUE TO ALCOHOL OR SUBSTANCE MISUSE**

Where an employee is absent as a result of alcohol and/or, drug misuse you should:

* Discuss the circumstances of the case and obtain advice from your HR representative
* Refer to the appropriate Alcohol Policy, review your responsibilities under this Policy and the supports and measures you may offer
* Refer the employee to Occupational Health as soon as possible to obtain a report, where appropriate
* Highlight to the employee the supports as listed under the Alcohol and Attendance Management Policies that the organisation may put into place. Further absences will be regarded as a conduct issue and be considered in terms of the Disciplinary Policy and Procedure.
* Discuss with the employee at an appropriate meeting, any reasonable supports and measures that would assist and help improve their attendance
* Implement these measures and monitor and review their effectiveness
* Highlight the employee’s responsibilities and the consequences of disciplinary action

It is appropriate to continue to manage the employee’s absence under the Attendance Management Policy whilst also using the Alcohol Policy & Substance Misuse. Your HR representative will provide advice on using both policies. Although addiction to alcohol and drugs are excluded from the scope of protection under the Equality Act 2010, an individual with such an addiction may become disabled as a consequence of it. For example, someone with an alcohol addiction may develop liver disease as a consequence of persistent heavy drinking and become disabled.

1. **MANAGING ABSENCE DUE TO WORK RELATED STRESS**

**The Legal Case**

Employers have a duty for staff health, safety and welfare under the Health and Safety at Work Act 1974. Employers also have a duty to carry out a risk assessment, identify potential hazards and proactively manage risks to health and safety under the Health and Safety at Work Regulations 1999. Breach of these duties can lead to enforcement action by the Health and Safety Executive for example, the imposition of an improvement notice or, in extreme cases, prosecution.

Stress-related injury due to work factors could lead to personal injury cases and other civil litigation. Where the working environment leads to a stress-related injury (for example, a recognised mental illness, such as major depression) or, where stress is linked with another legal issue (such as harassment, discrimination, constructive dismissal or, breach of contract), an employer could find itself pursued for damages in the civil courts.

**Report the incident**

If it is identified that the stress-related illness is caused by work, for example, as a result of alleged bullying and harassment or, trauma or, workload, you should complete a Datix. A referral should be made to the Occupational Health Service and a Formal Absence Review meeting should be convened to explore the reasons for the stressors further.

**Appendix 20**

**USEFUL LINKS**

NHS GG&C Attendance Management Policy:

<http://www.nhsggc.org.uk/working-with-us/hr-connect/policies-and-staff-governance/policies/attendance-management-policy-procedure-overview/>

NHS GG&C Disciplinary Policy:

<http://www.nhsggc.org.uk/working-with-us/hr-connect/policies-and-staff-governance/policies/disciplinary-policy-procedure-overview/>

NHS GG&C Mental Health and Wellbeing Policy:

<http://www.nhsggc.org.uk/working-with-us/hr-connect/policies-and-staff-governance/policies/mental-health-wellbeing-policy/>

NHS GG&C Stress in the Workplace:

<http://www.nhsggc.org.uk/working-with-us/hr-connect/policies-and-staff-governance/health-safety-policies/stress-in-the-workplace/>

NHS GG&C Occupational Health Services Home Page:

<http://www.nhsggc.org.uk/working-with-us/hr-connect/occupational-health/>

NHS GG&C Moving and Handling Home Page:

<http://www.nhsggc.org.uk/working-with-us/hr-connect/health-safety/specialist-services/moving-handling/>