

# Attendance Support Policy

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Haddii aad na weydiisato waxaanu warbixintan kugu siin karaa iyadoo ku qoran luuqad kale, farta ay dadka indhaha la' akhriyaan ama cajalad ku duuban. Haddii aad jeclaan lahayd in warbixintan lagugu siiyo mid ka mid ah qaababkaas, fadlan nagala soo xidhiidh telefoonka 0800 479 7979.

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Approval body	<i>Executive Team</i>
Date of approval	<i>October 2022</i>
Review Year	<i>October 2025</i>
Customer engagement required	<i>No</i>
Trade union engagement required	<i>Yes - For Consultation</i>
Equality Impact Assessment	<i>No</i>

## **1. INTRODUCTION**

This policy is designed to set out Wheatley Homes South Limited (WHS's) procedures for reporting and managing absences in a fair and consistent way.

The overriding aim of the policy is to encourage and maximise as full working attendance as possible and to provide the best possible support to employees who are not able to attend.

Both WHS and the representative Trade Unions are agreed on the commitment to full attendance where possible.

## **2. SCOPE**

This Policy and Procedure applies to all WHS employees regardless of length of service. It does not apply to agency workers.

This Policy and Procedure is non-contractual and may be amended or withdrawn at any time at the discretion of WHS, following consultation with the Trades Unions.

## **3. BASIC PRINCIPLES**

WHS is committed to providing high quality customer services to our tenants and service users and maintaining a healthy working environment for our staff group. To help meet the aims and objectives of the organisation, it is essential that all employees are committed to full attendance at work where possible. It is important to recognise that non-attendance can have an impact on service delivery and on the workload of colleagues.

It is recognised that there will be times when employees are genuinely ill and will require time off to recuperate. It is also recognised that the quicker staff return from periods of absence, the easier it is for them to integrate back into the workplace and perform to the expected standard.

Absence must be discussed with individual employees to discover any problems, identify where help may be given and to determine any other required course of action. Investigation and discussion are positive steps, which allow WHS and employees to share problems and find solutions. This includes contact with absent employees to allow for updates on the employee's health progress as well as conducting return to work interviews with employees on their return.

WHS will be proactive in supporting attendance of its staff group and has a range of Supportive interventions available including Occupational Health.

### **3.1 Disabilities**

- i. In relation to absence resulting from a disability, consideration will be given to whether there are reasonable adjustments that could be made to the requirements of a job or other aspects of working arrangements that will provide support at work and/or assist a return to work. If a member of staff considers that they are affected by a disability or any medical condition that affects their ability to undertake their work, they should inform their line manager as soon as possible.
- ii. In general terms an individual could be classed as having a disability if:
  - they have a physical or mental impairment
  - the impairment has a substantial and long-term adverse effect on their ability to perform normal day-to-day activities

For the purposes of the Act, these words have the following meanings:

- 'substantial' means more than minor or trivial
- 'long-term' means that the effect of the impairment has lasted or is likely to last for at least twelve months (there are special rules covering recurring or fluctuating conditions)
- 'normal day-to-day activities' include everyday things like eating, washing, walking, and going shopping

People who have had a disability in the past that meets this definition are also protected by the Act.

#### 4. RESPONSIBILITIES

General responsibilities are outlined in this section for:

##### i. **Responsibilities of EMT and / or Board**

The Board and Executive Management Team's responsibilities include, but are not limited to:

- Reviewing the Attendance Support policy in line with the policy review dates and ensure that it is reflective of WHS values and practice
- Ensuring that the policy is applied consistently across WHS
- Ensure that managers in the Company are aware of their responsibilities under this policy

##### ii. **Responsibilities of the Line Managers**

The line managers responsibilities may include, but will not be limited to:

- Raising any breach of this policy to the attention of the Human Resources department
- Ensuring that absences are recorded on the HR system as soon as possible
- Conducting return to work interviews with employees returning from sickness absence
- Conducting absence and capability meetings in line with this policy

##### iii. **Responsibilities of the Employees**

The employees' responsibilities may include, but will not be limited to:

- Raising any behaviour in breach of this policy to the attention of the line manager or where appropriate to the Human Resources department
- Reporting any period of absence as per the procedures of this policy

## **5. POLICY**

### **5.1 Absence Reporting and Certification Procedure**

When an employee is unfit for work, they must inform their line manager as soon as possible on the first day of absence and should ideally be no later than their expected start time (or 10am if flexi time applies). If the line Manager is not available, then the line manager's manager should be contacted. The following details should be provided:

- reason for their absence
- details of any pending GP appointments
- expected length of absence
- any outstanding or urgent work that requires attention in the staff members absence

If a member of staff becomes ill whilst at work, then the responsible manager should be notified of the illness before going home.

### **5.2 Keeping in Touch**

If absence continues to the fourth day, the employee must contact the line manager to update them on their reasons for absence, expected duration of the absence and whether a Doctor has been or will be consulted. It is the employee's responsibility to maintain regular contact with their line manager throughout the period of absence. It is expected that weekly contact will be maintained during longer periods of absence. Line managers are able to contact employees who are off absent if required.

### **5.3 Statement of Fitness for Work**

If the absence is for longer than 7 days (inclusive of non-working days and weekends), employees must submit a medical certificate from their GP to support their absence, this is known as a "Statement of Fitness for Work". This should be forwarded to their line manager as soon as possible and within three working days of the requirement for that certificate. If the absence continues, then further certificates must be submitted covering the full period of absence.

If an employee's doctor provides a certificate stating that they "may be fit for work" they should inform their line manager immediately. The line manager in consultation with the HR Department, will discuss with the employee any additional measures that may be needed to support the return to work, taking account of their doctor's advice and any information available from Occupational Health. This may take place at a return-to-work interview. If appropriate measures cannot be taken, the employee will remain on sick leave until fully fit to return.

If WHS are concerned regarding the nature of an absence or there are frequent periods of short-term absence, the employee may be required to provide a medical certificate for each absence regardless of duration.

#### 5.4 Occupational Health and Medical Examinations

If a period of sickness continues beyond 4 weeks without an agreed return date, WHS's Occupational Health provider will be notified, and they will contact the employee directly to arrange an appointment.

The purpose of the appointment will be to enquire after the employee's well-being and assess whether the Occupational Health provider are able to offer any services that may enable the staff member to assist with the recovery.

Absences will be assessed on a case-by-case basis and there may be occasions where an Occupational Health appointment will be arranged before the 4-week period has passed. This could be requested by management or the employee.

Employees are required to make themselves available to discuss the reasons for their absence with a member of the Occupational Health team. To comply with the Attendance Support Policy WHS employees are also required to remain contactable while they are absent from work as a result of illness. The Occupational Health Advisor will inquire as to the reasons for the absence, possible duration of any illness and the steps being taken to overcome such illness. The Occupational Health Advisor may recommend a particular course of action to be taken by the employee to improve the medical condition and enable a return to work.

There may be occasions where the Occupational Health provider requires to contact the employee's GP or other specialist for a written report. In these circumstances the employee will be made fully aware of their rights regarding the granting of this permission. Any expense incurred for written reports will be covered by WHS. The employee will receive a copy of any resulting medical report. All medical records will be treated in the strictest confidence by WHS.

Staff are entitled to refer themselves directly to Occupational Health at any point, irrespective of whether they have been absent from work or not and the discussion will remain confidential. A confidential counselling service exists that all employees are entitled to use. The telephone number is 01387 244 626.

#### 5.5 Failure to Follow Procedures

If no notification of absence is given to WHS then the line manager or a member of the HR Department will attempt to contact the individual via phone. This will establish the employee's well-being. If no contact is made, then further attempts at contact will be made which may include a home visit. Until the reason for absence has been established WHS may if deemed appropriate contact the Police to register concern about the employee's circumstances.

If an employee fails to follow any aspect of the absence procedures without good cause, then their absence will be treated as unauthorised and dealt with under WHS's Disciplinary Policy. Employees may not be paid for the duration of any unauthorised absence.

## 5.6 Absence Record Keeping

As soon as a manager is made aware that an employee is absent due to sickness then they must enter the details on to the HR system. Managers should also update the system throughout the absence with any notes of contact with employee.

Employees will have the access to view their personal absence details on the HR system. Only the individual, direct line managers and the HR Department and the appropriate Director will be able to view an individual's sickness details. All employees will have the opportunity to correct their sickness absence details should they believe their record to be inaccurate and can provide evidence of this.

WHS will comply with GDPR when processing sickness absence information. Access to individual's sickness records will not be available to staff outside of the directorate line management structure, Occupational Health and the HR and Payroll Departments.

Absences of less than one full day will be recorded as follows on the HR System:

- Attendance at work of less than 2 hours will result in a full day's absence being recorded.
- Attendance at work of more than 2 hours but less than 5 hours 30 minutes will result in a half-day absence being recorded.
- No absence will be recorded if employees have attended at least 5 hours and 30 minutes.

WHS reserve the right to consider repeated short-term absences of less than a day through the Disciplinary Policy. Line Managers should keep records of absences of less than 1 hour 30 minutes and raise any concerns to the HR Department.

## 5.7 Sick Pay and Periods of Entitlement

When absent due to sickness, an employee will normally receive 2 categories of payment. Firstly, an employee will receive statutory sick pay from WHS provided the relevant requirements are satisfied and then subject to complying with WHS's Attendance Support Policy, an employee will receive a sickness allowance from WHS.

Employees will be excluded from receiving sickness allowance, where: -

- they go sick whilst taking part in a stoppage of work due to a trade dispute at their place of work;
- they go sick whilst on maternity leave (see Maternity Leave Policy);
- on the first day of sickness they are in legal custody;

- on the first day of sickness they have already exhausted their sick pay entitlement in the preceding 12 months;
- sickness or injury arises out of the employee’s gross misconduct or negligence, active participation in sport for payment or injury whilst working in the employee’s own time for private gain, or for another employer.

Entitlement to WHS sickness allowance varies according to length of continuous service as follows:

Service at first day of absence	Full Allowance	Half Allowance
13 weeks or less	Nil	Nil
Less than 1 year	5 weeks	5 weeks
1 year but less than 2 years	9 weeks	9 weeks
2 years but less than 3 years	18 weeks	18 weeks
3 years but less than 5 years	22 weeks	22 weeks
5 years and over	26 weeks	26 weeks

All sick pay is calculated over a rolling 12-month period. Entitlement to sick pay is reduced by usage or access to sick pay. For example, if a person has 3 weeks fully paid sickness absence leave, then their possible full sick pay is reduced by 3 weeks until they have completed a full 12 months attendance at work following their return from sickness. Once the previous 12 months attendance record indicates full attendance then their full sick pay is reinstated. The rolling sick pay year is calculated at the beginning of each subsequent sickness.

In exceptional circumstances, WHS will have the discretion to extend the period of full allowance or half allowance provided.

Full allowance is the sum equal to normal pay and is inclusive of any entitlement to Statutory Sick Pay.

Half allowance is the sum equal to half normal pay plus any entitlement to Statutory Sick Pay so long as this sum does not exceed full normal pay.

If the Occupational Health Provider assesses that an individual is capable of returning to work, wholly or on a reduced basis and the individual does not return then Sickness Absence Pay will be reviewed with the possibility that Sick Pay may be ceased. In cases where the employee does not agree with the Occupational Health diagnosis then a second opinion may be arranged.

## 5.8 Third-Party Claims



If employees are absent as a result of an accident involving a third-party, they must inform WHS whether they intend to pursue a claim against a third party or insurer. Success in a Third-Party claim may require an employee to refund all, or part of any sickness allowance paid by WHS.

#### 5.9 Sickness During Annual Leave and Public Holidays

Where sickness absence, supported by a Doctor's certificate, occurs during annual leave or on a public holiday, the employee is regarded as having been off sick for the period covered by the certificate. On return to duty, equivalent paid leave should be given at WHS's convenience. Employees must report sickness when this occurs and not wait until the return to work. If returning to work without any confirmation of sickness while on leave or a public holiday, then no recompense will be made for any sickness.

Employees returning from long-term sick absence are entitled to their full paid leave entitlement. This is subject to the rules governing holiday carry over and contracts of employment that specify rules regarding holiday carry over.

#### 5.10 Return to Work Process

A return-to-work interview should be carried out after every absence by the employee's line manager or another manager if the line manager is not available. The interview should take place on the first day the employee returns to work. A return-to-work interview will ascertain if the employee is well enough to return to work and also outline any accommodations, such as temporary variations in hours that may have been recommended by the employee's GP or WHS's Occupational Health provider. The adjustments agreed should be manageable within the provision of the day-to-day business of the department. A return-to-work interview will note the number of days and episodes of absence and advise whether a result of the most recent absence is that an Absence review meeting will take place. The line manager should also content themselves that an employee is fit to resume work and if there is any doubt then the individual must not be allowed to resume their duties without further medical advice being sought from the employee's GP or WHS's Occupational Health provider. Return to work interview forms should be signed by both the employee and manager and returned to the HR Department.

On an employee's return to work following a period of sickness absence they are required to complete a self-certificate on the first day back regardless of the length of absence. This should be countersigned by their line manager or other nominated manager and returned to the HR Department as soon as possible.

##### 5.10.1 Phased Return to Work

As an aid to ensuring an effective return to work, a phased return may be agreed. This may be suggested through a meeting with WHS's Occupational Health provider and the employee and may be agreed with WHS. A phased return may involve an agreed reduction in working hours or days for an initial period, which will reduce the impact on the employee of the return to work. This may typically be agreed for an initial 1,2- or 4-week period. During this

period regular working time, which is not worked will be paid, allowing the employee to receive their full weekly pay. If a request is made to have a continuation of a reduced working pattern beyond 4 weeks, then regular time that is part of the working week and is not worked will not be paid.

#### 5.11 Planned Leave Linked to a Disability

Planned leave linked to a disability should be agreed in advance with the employees' line manager. Examples of the reasons that employee may have for requesting time off linked to their disability include (but are not limited to):

- hospital, doctors, or complementary medicine practitioner appointments
- hospital treatment as an outpatient
- assessment for such conditions as dyslexia
- hearing aid tests
- training with guide or hearing dog
- counselling/therapeutic treatment
- recovery time after blood transfusion or dialysis treatment
- physiotherapy (sessional or residential)
- dialysis treatment
- chemotherapy or other cancer related treatments

In situations like those listed above managers should, following discussion with the employee about the frequency and duration of time off required, grant authorised leave and record this on the HR System.

#### 5.12 Short-Term Absence Management

Short-term absence is defined by WHS as any single period of absence up to a maximum of 19 working days. Absence Review interviews will be arranged with employees whose absence record falls into the following categories of 'rolling' absence:

- 3 self-certificates or a total of 6 working days' absence within 6 months;
- 5 absences (self or medically certified) or 8 working days within 12 months.

Where "rolling" absence levels fall into one of the above categories or there is an identified pattern of absence, the line manager will normally take formal action, this will be dealt with under WHS's Disciplinary policy for unacceptable attendance:

WHS has the following stages:

##### Stage 1 - Formal monitoring period (3 months)

- Stage 2 - 1st written warning (6 months)
- Stage 3 - Final written warning (12 months)
- Stage 4 - Dismissal

Should the employee be absent from work while a monitoring period/warning is in effect, the next stage of the formal process may be implemented.

#### 5.12.1 Monitoring Period/Follow-Up Sickness/Absence Interview

An absence review interview will be conducted by the line manager and an HR Representative and may result in the employee's attendance being monitored for a period of 3 months.

The manager should consider, where appropriate, any forms of assistance which would improve the employee's attendance record.

If following the monitoring period, an acceptable level of attendance has been achieved, the employee should be advised and encouraged to maintain that level. If no acceptable improvement has been made, then further advice/help may be offered and an extension to the existing monitoring period put in place.

If a manager considers that an employee's attendance levels are unacceptable, and that disciplinary action may be appropriate then this should be dealt with in line with WHS's Disciplinary Policy.

Where there is no underlying health problem, WHS's Disciplinary Policy will be invoked.

At each stage of the Disciplinary Policy, consideration will be given to the following matters in respect of short-term absence as categorised above: -

- the reasons for and impact of an employee's absences;
- the likelihood of further absences;
- whether medical advice is required. If it has been obtained, considering the advice that has been given and whether further advice is required;
- what, if any, measures might improve an employee's health and/or attendance;
- depending on the stage reached, the employee will be warned that they are at risk of dismissal on the grounds of persistent short-term absence;
- in the event that dismissal is under consideration, WHS will consider whether there is a reasonable likelihood of the employee achieving the desired level of attendance in a reasonable time.

#### 5.13 Long-Term Absence Management

Long-term absence is defined as any single period of absence amounting to 20 or more working days. WHS is committed to helping employees return to work from long-term absence. We will maintain regular contact with employees on long-term ill health absence as appropriate to their circumstances. We will seek to meet with them to consult with them regarding their absence and their ability to return to work.

We will, where possible, support the return to work of employees on long-term ill health absence by: -

- obtaining medical advice;
- making reasonable adjustments to the workplace, working practices and working hours;
- considering redeployment; and/or
- agreeing a return-to-work programme.

If an employee is unable to return to work from long-term sickness absence, we will consider whether they are entitled to ill health or early retirement and/or any other benefits under their contract of employment.

Where there is no foreseeable return to work date, there are no contractual benefits for which the employee may be eligible and there are no reasonable adjustments that can be made to facilitate the employees return to work, as a last resort, dismissal on the grounds of ill health/capability may at that stage be appropriate. In this situation the process outlined in the capability section will apply.

Employees will be given the right of appeal against dismissal on the grounds of long-term ill health absence.

Where an employee has been diagnosed as having a terminal illness it may be appropriate to suspend any decision to dismiss.

#### 5.14 Capability

In the case of absences where there is an underlying health problem confirmed by a Medical Practitioner, it is not appropriate to take disciplinary action. If it is evident that frequent or prolonged absences will be a continuing feature, the case would require to be treated as one of capability and the employee advised in writing accordingly.

##### 5.14.1 Ill health retirement

There may be occasions where an employee can no longer sustain a reasonable and reliable attendance level or perform effectively in their role due to their health, and the impact a condition may have on their physical or mental capabilities.

In these circumstances, where reasonable adjustments cannot be made, or where they have been made but have failed to improve attendance, the employee and WHS may discuss the possibility of ill-health retirement rather than following the formal capability procedure. In such cases, managers should seek advice from the Human Resources Department.

Please note: Ill-health retirement can only be granted if the employee is a member of a pension scheme that provides for ill health retirement and following an assessment and recommendation from an external Occupational Health Provider.

#### 5.14.2 Lack of Capability considerations

Where the circumstances are such that the employee's attendance should be dealt with as a lack of capability issue, appropriate discussions should take place with the employee to assess progress, assistance, support etc.

Managers should, in the first instance, discuss with the employee, whether the following, options would help them to achieve a satisfactory attendance level:

- Redeployment to alternative work
- Allocate some duties to another employee
- Part-time work/job sharing
- Transfer the employee to fill an existing vacancy
- Phased return to work
- Allow absences during working hours for rehabilitation/treatment
- Supply additional training/retraining

For short term intermittent absence, such discussion would take place at return-to-work meetings. For long term absence these discussions would take place as part of long-term sickness meetings usually once the employee has been absent for a minimum of six months.

#### 5.14.3 Capability – Long Term absence

Long-term absence is defined as any single period of absence amounting to 20 or more working days. In cases such as these the manager should meet with the employee every month.

The purpose of this meeting is to allow the opportunity to:

- Keep the employee updated on developments at work whilst absent
- Allow the employee to keep the manager updated on any developments with regard to their health and general well-being and discuss a return-to-work plan if appropriate
- Discuss any additional support which may be required during the absence
- Discuss the outcome of any Occupational Health reports
- Discuss any adjustments (including those outlined above) which may be required to assist the employee to return to work

The manager should confirm, in writing, what was discussed at these meetings.

If, through the course of these discussions, none of the options outlined above are viable and a return-to-work date cannot be identified the employee must be advised in writing of the possibility that termination of contract of employment due to lack of capability could be an outcome should they be unable to return to work within a reasonable timescale.

In most cases capability will normally only be discussed once the employee has been absent for six months and will be discussed on at least 3 occasions

before any decision is made to progress the case to a formal Capability Hearing.

If a return-to-work date is identified by the employee and/or Occupational Health and this is within a reasonable timeframe the employee will be expected to return to work on the agreed date. If they are unable to return to work on this date, then they may be invited to attend a formal Capability Hearing.

#### 5.14.4 Capability Hearing

Capability Hearings must be heard by a senior manager within WHS and prior to any decision being made the manager must be satisfied that all reasonable and practical steps have been taken to try and help the employee to improve their attendance.

The manager must take all Occupational Health advice into account and determine whether further support would be appropriate or additional time should be given to allow the employee to return to work.

If there is no change to circumstances or advice from Occupational Health deems that a likelihood of return to work is unlikely within the immediate future and the manager believes that the level of absence can no longer be sustained, then the manager may take the decision to dismiss the employee on the grounds of lack of capability.

Alternatively, if the manager feels that there are extenuating circumstances then they may consider alternative options such as extension of the formal monitoring period, demotion, or transfer to another role.

The decision will be confirmed in writing to the employee. The confirmation letter will also outline the employee's right of appeal.

Warnings are not automatic, and each case will be treated individually. Dismissal will only be considered as a final option.

Dismissal for ill health is a potentially fair reason for dismissal, but it is important to note the distinction between dismissal for an unacceptable level of absence (conduct) and dismissal for lack of capability where a genuine underlying health problem exists.

#### 5.14.5 Capability – Short term intermittent

The decision to progress to a formal Stage 1 Capability hearing as a result of short-term intermittent absences should only be taken after all other options have been explored and the employee clearly advised in writing of the

possibility that termination of their contract of employment could be an outcome of this process. In addition, advice must be sought from Occupational Health regarding the employee's current medical condition, any future treatment and, whether this is likely to result in the employee's attendance improving to an acceptable level.

If it is felt that an employee's attendance level is unsatisfactory then the employee will be invited to attend a formal Stage 1 Capability hearing.

#### 5.14.6 Stage 1 Capability

The primary purpose of this formal hearing is to consider all relevant facts concerning the employee's attendance. The manager and employee will meet to:

- Discuss what are the health issues/other issues that are affecting attendance
- Discuss whether any adjustments (including those listed above) can assist the employee to improve and maintain attendance
- Make the employee aware of the required improvement and set timescales for improvement
- Make the employee aware of possible consequences of further absences/failing to achieve require improvement
- Make the employee aware that they will be issued with a formal written improvement
- Notice and their attendance will be monitored for a period of 6 months

The above will be confirmed in writing to the employee. The confirmation letter will also outline the employee's right of appeal.

If at the end of the 6 months improvement period the employee's attendance level is satisfactory, the employee will be informed that they have satisfactorily completed the improvement period and that their attendance will continue to be monitored for a further 6 months. If the employee's attendance during the monitoring period is satisfactory, they will be advised in writing that they have satisfactorily completed the monitoring period.

If, during or at the end of the improvement period, it is considered that a satisfactory level of attendance has not been achieved, the employee will be invited to a Stage 2 Capability hearing. Should the employee's attendance fall below acceptable standards within the 6-month monitoring period, the employee may be invited to a Stage 2 Capability hearing.

#### 5.14.7 Stage 2 Capability

If the employee fails to meet the attendance requirements set under Stage 1, the manager will arrange Stage 2 formal hearing and this hearing will be conducted in accordance with the procedure outlined in Stage 1.

If, after consideration of the relevant facts, the employee's level of attendance is still unsatisfactory the employee should be informed that they will be issued with a Final Written improvement notice and their attendance will be monitored for 12 months.

The above will be confirmed in writing to the employee. The confirmation letter will also outline the employee's right of appeal.

If at the end of the 12 months improvement period the employee's attendance level is satisfactory, the employee will be informed that they have satisfactorily completed the improvement period and that their attendance will continue to be monitored for a further 6 months. If the employee's attendance during the monitoring period is satisfactory, they will be advised in writing that they have satisfactorily completed the monitoring period.

If, during or at the end of the improvement period, it is considered that a satisfactory level of attendance has not been achieved, the employee will be invited to a Stage 3 Capability hearing. Should the employee's attendance fall below acceptable standards within the 6-month monitoring period, the employee may be invited to a Stage 3 Capability hearing.

#### 5.14.7 Stage 3 Capability

If the employee fails to meet the attendance requirements set under Stage 2, the senior manager will arrange a Stage 3 formal hearing, and this will be conducted in accordance with the procedure outlined in Stage 1.

Prior to any decision being made the senior manager must be satisfied that all reasonable and practical steps have been taken to try and help the employee to improve their attendance.

If, following consideration of all information available at the hearing, the employee has failed to meet the required standard of attendance then the senior manager may take the decision to dismiss the employee with notice.

If the senior manager feels that there are extenuating circumstances then they may consider alternative options such as extension of the formal monitoring period, demotion, or transfer to another role.

The decision will be confirmed in writing to the employee. The confirmation letter will also outline the employee's right of appeal.

Warnings are not automatic, and each case will be treated individually. Dismissal will only be considered as a final option. As dismissal is a potential outcome of a Stage 3 Capability meeting this meeting must be heard by a senior manager.

Dismissal for ill health is a potentially fair reason for dismissal, but it is important to note the distinction between dismissal for an unacceptable level of absence (conduct) and dismissal for lack of capability where a genuine underlying health problem exists.

#### 5.15 Right to Representation



All employees are entitled to be represented at any formal absence review meetings or any capability meeting. The representative may be a work colleague or a Trade Union representative.

## 6.. GOVERNANCE AND REGULATION

This policy is the responsibility of the Human Resources Department.

The policy is due for formal review every three years and the next review will occur in November 2022.

## 7. SANCTIONS

Any breaches of this policy may be subject to disciplinary action.

## 8. RELATED / REFERENCED POLICIES

- WHS Disciplinary Policy