



Managing Sickness Absence Procedure

The Alwyn and Courthouse Federation

Approved by:	Governing board
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Last reviewed:	Summer 2024
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Next review due:	Summer 2026
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Part 1: Short Term Absence (Page 2 - 9)

Use for all absences of less than three continuous weeks

Covers:

- Return to Work Interviews
- Trigger Points
- Managing Sickness Absence Process:
 - Stage 1 / Informal
 - Stage 2 / Formal including Hearing and appeal arrangements

Part 2: Long Term Absence (Pages 10 - 14)

Use for all absences of three continuous weeks or more or if the absence is likely to continue for that period

Covers:

- Actions to be taken in cases of long term ill health
- Occupational Health Referral
- Measures to facilitate return to work
- Ill health retirement
- Hearing and Appeal arrangements

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

PROCEDURE FOR MANAGING SICKNESS ABSENCE

Part I Short Term Absence

1. Overview

Short-term absence for the purpose of this procedure is defined as any absence of less than three consecutive weeks and is often the “odd day off” or a few days at a time. Short term absence is often unplanned and therefore has a significant impact on service delivery and other colleagues. Where there is concern about the frequency, pattern or reasons for absence, action should be taken if informal discussions have not resulted in an improvement.

Investigation of an absence issue may identify other underlying reasons for absence such as substance misuse, personal problems etc. The council has policies and processes in support of these issues including

Alcohol & Substance Misuse policy and an Employee Assistance Programme (EAP).

At all stages the approach to an absence problem will take into account the requirements of the disability discrimination provisions in the Equality Act 2010 and the code of practice accompanying the Act. In the case of short term absences, the relevance of the Equality Act may not be immediately apparent and cases should be investigated thoroughly to ensure that the council is meeting its obligations under the Act.

Some cases of absence will be issues of conduct and should be dealt with separately under the Council's Disciplinary Procedure. Some examples are listed below:

- Persistent failure to follow notification rules when absent
- Absence without permission
- Leaving one's place of work without permission
- Falsifying sickness documents.

The sickness absence procedure should not be viewed simply as a means of imposing sanctions. The aim of this policy is to have well employees at work and to deal fairly and consistently with those who are unwell. The Council aims to achieve this by:

- Promoting the health, safety and well being of all employees. This includes the use of risk assessments to identify and manage hazards impacting on health in the workplace.
- Providing appropriate preventative measures through pre-employment screening, medical advice and training in areas such as manual handling and risk assessments.
- Monitoring levels of sickness absence to enable appropriate and timely action to be taken.

2. Return to Work Interviews

It is essential that every employee has a return to work interview after every period of sickness absence. This should take place on the first day back at work or if this is not possible within two working days of the employee's return. If for practical reasons a face to face interview cannot be held within this timescale then consideration should be given to whether a telephone interview would be appropriate or whether the interview can be undertaken by another senior manager.

The purpose of the meeting is to:

- Welcome the employee back to work.
- Ensure that there is an accurate record of the absence and the appropriate certification (where applicable).
- Update the employee on work issues.

- Discuss any ongoing health issues and whether support is required; and
- Discuss concern about the frequency and/or pattern of periods of sickness absences, if relevant.

The manager will complete a Return to Work Record (Appendix 1). The manager will give a copy of the form to the employee and enter the details onto iTrent.

3. Absence Monitoring

A flowchart summarising the procedure to be followed once a trigger has been reached is shown in Appendix 2.

Stage 1 / Informal Action

3.1 If an employee's absence level meets one of the following trigger level points, the line manager/head teacher will hold a trigger level meeting to review the absence levels. Absence target rates and 'trigger levels' are reviewed annually and agreed by Corporate Management Team but are currently:

- Absence totalling 7 working days (for part time staff see below) or more within a rolling 12 month period.

Part time calculation					
Days worked per week	5	4	3	2	1
Trigger level	7	5.6	4.2	2.8	1.4

- Three periods of sickness absence in a three month period
- A Bradford Factor Score of 120 or above. This is a method of calculating an individual's absence record so that it is easy to identify those taking frequent short term absences. It is calculated as follows:

$$A \times A \times D$$

Where A is the number of absences (the number multiplied by itself and D is the total number of days' absence taken).

- Any other recurring recognisable pattern such as frequent absenteeism on a Friday or a Monday, days following bank holidays, before or after annual leave, at particular points in workload cycle, etc.

The **Trigger Level Meeting** should be held as soon as reasonably practicable after the employee returns to work and can be linked to a return to work interview where appropriate. It is recommended that this

meeting be just between the manager and employee at this informal stage.

At the meeting, the line manager/headteacher should adopt a non-critical and supportive approach and:

- Discuss the absence record with the employee.
- Identify any contributing factors affecting sickness absence, for example, relationships with colleagues, domestic issues, workloads within the service etc.
- Identify areas for support.
- Set targets for improvement and a review date.

Possible outcomes may be:

- Management referral to Occupational Health for advice and recommendations.
- Other support mechanisms identified and implemented (for example, referral to EAP, referral to outside agencies, training, mentoring);
- Reasonable adjustments such as changes to the workload, work practices or work pattern, provision of specialist equipment.
- Asking the employee to submit a medical certificate for every subsequent period of absence of 7 days or less. (The Council will need to undertake to pay for the cost of these certificates and the employee should be informed of this).

At the meeting the employee will be informed of the improvement needed in their attendance, the possible consequences if this is not achieved and a date should be set to review their attendance. This would normally be no longer than three months following the meeting, but may be earlier and will be set on an individual case basis. However if absences are excessive prior to this date, the review meeting can be brought forward.

The manager will complete a Trigger Level Meeting Record (Appendix 3) to detail the points discussed, actions identified and review date. The manager should retain a copy of the form and a further copy should be given to the employee.

If the employee's sickness absence improves to a satisfactory level over the timescale set, then the process will terminate at this stage and the employee will be informed in writing of this.

If the sickness absence remains unsatisfactory, then the formal procedure will be invoked by the line manager/headteacher as set out below.

Stage 2 / Formal Action

- 3.2 When it is apparent following review that an informal approach to improving attendance has failed, the formal process will be followed.

The purpose of the formal sickness absence meeting is to:

- Review attendance.
- Hear representations from the employee.
- Consider the potential for improvement.
- Consider any occupational health opinion regarding reasonable adjustments or possible redeployment opportunities and
- Take such action as the manager decides is appropriate

HR will be involved in all formal stages of the procedure in order to ensure that a fair and consistent approach is taken by managers across the council.

At all formal stages of the procedure, an employee will have the right to be accompanied by a trade union representative or work colleague of their choice. Should the employee wish to be accompanied, they should confirm the identity of the representative to their manager at least 3 days prior to the meeting.

The action to be taken under the formal procedure will depend on the nature of the specific absences. There are 3 possible formal sanctions, each with a right of appeal (Section 6):

- First formal warning.
- Final formal warning and
- Dismissal (following a hearing only).

First Formal Meeting

The line manager/headteacher, in consultation with an HR representative, will arrange a formal meeting with the employee.

The employee will receive notification in writing of the meeting, giving at least **five working days** notice. The letter should contain:

- A clear reason for the meeting.
- The time, date and venue of the meeting.
- Who will be present at the meeting.
- A statement confirming the right to be accompanied at the meeting by a trade union representative or work colleague.

At the meeting, the manager will:

- Re-affirm the issues discussed at previous informal stage meeting(s).
- Discuss the reasons for continued absence/s and the impact on the service and colleagues.
- Review any support provided to the employee and consider further support if appropriate.
- Discuss what action the employee can take to improve sickness absence levels and
- Set targets for improvement.

The manager also needs to explain to the employee the potential consequences of not meeting improvement targets including ultimately, possible termination of their employment and set a further review date.

The employee will have a full opportunity to comment on their sickness absence levels, provide an explanation and indicate what assistance is required to improve attendance, including any reasonable adjustments they would like to be considered.

At the end of the meeting, the manager will consider all aspects of the case and consider the option to issue a **first formal warning**, under the Short Term Absence Procedure. The duration of the 'live' warning, if given, will usually be 6 months (but may be of longer duration in some circumstances). The manager should inform the employee of their right to appeal against the warning.

A first written warning will state that the employee's sickness absence record is not satisfactory and that it must reach a satisfactory level for a sustained period or this will normally lead to a further warning.

Any appropriate reasonable adjustments will be agreed with the employee, together with an appropriate timescale for reaching the required sickness absence levels, and a review date will be set. The time frame for the review will depend on the nature of the absences and the duration of the warning but will not normally be longer than 3 months from the warning being issued.

The manager will write to the employee, confirming the outcome of the meeting and the review arrangements. The letter will also inform the employee of the possible consequences of failure to reach the satisfactory absence levels and detail the right of appeal against the warning (Section 6). A copy of the letter and any attachments will be forwarded to the employee's representative if requested.

Review Meeting

- 3.4 A review meeting will be arranged with the employee by the line manager/headteacher to review attendance levels at the agreed interval. However if at any time the manager considers that the attendance level is unsatisfactory they may arrange an earlier review meeting, there is no need to wait until the scheduled review date.

If attendance levels have reached a satisfactory standard at the review stage, the employee will be advised that no action needs to be taken at that time. Further review meetings will be scheduled at regular intervals (at least monthly) for the duration of the 'live' warning, to ensure the improved attendance level is sustained. If sustained until the 'live' warning expires, the employee will be congratulated on their improved attendance record and the procedure will be exited. This will be confirmed in writing to the employee and a copy will be placed on the employee's personal file.

If the outcome of the review meeting(s) is that attendance levels have not reached a satisfactory standard or have not been sustained, a second formal meeting will be scheduled as outlined below.

Second Formal Meeting

- 3.5 The line manager/headteacher, in consultation with an HR representative, will arrange a second formal meeting with the employee.

Notification of the meeting will be provided, in writing, at least **five working days** prior to the meeting and the letter should contain:

- A clear reason for the meeting.
- The time, date and venue of the meeting.
- Who will be present at the meeting.
- A statement confirming the right to be accompanied at the meeting by a trade union representative or work colleague.

If it is found that sickness absence levels remain unacceptable, the manager will consider the option to issue a **final formal warning**, under the Managing Sickness Absence Procedure, if appropriate. The duration of the 'live' warning, if given, would usually be for 12 months (but may be of longer duration in some circumstances). The manager should inform the employee of their right to appeal against the warning.

Any further reasonable adjustments will be agreed with the employee, together with an appropriate timescale for reaching the required sickness absence levels, and a review date will be set. The time frame for the review will depend on the nature of the absences but will not normally be longer than 3 months from the warning being issued.

A management referral to Occupational Health for advice and recommendations must be made at this point if not already undertaken previously.

The employee will be informed of the consequences of continued failure to reach the required attendance level should a hearing be required (Section 4).

Possible consequences include:

- Subject to prior agreement with the employee, they may be redeployed to an alternative vacant post commensurate with their capabilities, on a temporary or permanent basis.
- The employee may be given further time for improvement and/or provided with any further reasonable adjustments;
- The employee may be dismissed on the grounds that their ill-health prevents them from maintaining an acceptable level of attendance.

The manager will write to the employee, confirming the outcome of the meeting and the review arrangements. The letter will also inform the employee of the possible consequences of failure to reach the

satisfactory sickness absence levels and detail the right of appeal against the warning (Section 6). A copy of the letter and any attachments will be forwarded to the employee's representative if requested.

Review Meeting

- 3.6 A review meeting will be arranged with the employee by the line manager/headteacher to review attendance levels at the agreed interval. However if at any time the manager considers that the attendance level is unsatisfactory they may arrange an earlier review meeting, there is no need to wait until the scheduled review date.

If attendance levels have reached a satisfactory standard at the review stage, the employee will be advised that no action needs to be taken at that time. Further review meetings will be scheduled at regular intervals (at least three monthly) for the duration of the 'live' warning, to ensure the improved attendance level is sustained. If sustained until the 'live' warning expires, the employee will be congratulated on their improved attendance record and the procedure will be exited. This will be confirmed in writing to the employee and a copy will be placed on the employee's personal file.

If the outcome of the review meeting(s) is that attendance levels have not reached a satisfactory standard or have not been sustained, an Absence Management Hearing to consider dismissal will be scheduled as outlined in Section 4.

4. Absence Management Hearing

A Hearing chaired by a Director or nominated Head of Service (the Chair) will be arranged in accordance with Procedure for Conducting Absence Management Hearings set out in Appendix 4 .

If the chair determines that the evidence presented supports the dismissal of the employee, the employee will be given notice of their dismissal from the council.

5. Failure to attend meetings under this procedure

If an employee fails to attend a meeting within this procedure without good cause, action may be taken under the Council's disciplinary procedure and, in any event, the meeting may proceed in the absence of the employee.

If an employee fails to attend a meeting due to sickness, this will need to be supported by a medical certificate/statement confirming the employee was not fit to attend the meeting.

Failure to attend may result in the meeting going forward in the absence of the employee, who will have the opportunity of providing a written statement or being represented by a nominated representative.

6. Appeal

An employee may appeal against any formal action taken under this procedure in writing to the Head of Human Resources within **five working days** of receiving notification of the sanction. The letter must state the grounds for the appeal and any documents submitted in support of the appeal must be attached.

Appeals will be conducted in accordance with the Procedure for Conducting Appeals set out in Appendix 5.

7. Senior Managers

The Managing Director will conduct Stage 1 for Directors. Stage 2 will be undertaken by a member of Employment Panel nominated by the Leader of the Council with the exception of a Absence Management Hearing where dismissal is a possibility which will be conducted by Employment Panel.

A member of Employment Panel nominated by the Leader of the Council will conduct Stage 1 and 2 for the Managing Director with the exception of an Absence Management Hearing where dismissal is a possibility which will be conducted by Employment Panel. Only Cabinet have the authority to dismiss the Managing Director and therefore a recommendation from Employment Panel would be required in these circumstances.

Notice of dismissal for the Managing Director (Head of the Paid Service), the Monitoring Officer, the Chief Finance Officer and Directors will be in accordance with Part 8 B Section 7 of the Constitution.

PART 2 – LONG TERM ILL HEALTH

1. Overview

Long Term cases are those where an employee has had continuous absence for a period of three weeks or is likely to be absent for that period.

In the case of part time staff the Long Term absence period will be defined by the relationship to the period of a full time officer, not by the number of days worked by the employee (e.g. employee 'A' works Mondays and Fridays only, so the period will be 6 days of A's absence)

Classifying an employee as a Long-Term illness case will not automatically lead to consequential action. For example, where an employee is absent due an operation, where the absence is normally

planned and known in advance, and the length of absence usually known at the outset.

At all stages the approach to an absence problem will take into account the disability discrimination requirements of the Equality Act 2010 and the codes of practice accompanying the Act. It may not always be readily apparent that a case qualifies under the Act and it is essential that the council meet its obligations by undertaking a thorough investigation in order to determine the course of action to be taken.

Investigation of an absence issue may identify other underlying reasons for absence such as substance misuse, personal problems etc. The council has policies and processes in support of these issues including Alcohol & Substance Misuse policy and an employee support programme via Lifestyle Support.

2. Purpose of the Procedure

The Procedure for long term ill health relates to cases where employees may be absent from work for a significant period of time as a result of an underlying health reason. This procedure particularly places emphasis on the importance of demonstrating concern for the well-being of the employee, whilst at the same time balancing this against the impact of the employee's long term absence on the delivery of council services.

In summary the procedure allows for: -

- The identification, at the earliest possible time, of a potential long term absence from work for ill-health reasons.
- The employee and the employer to keep in touch during the course of the absence and for the appropriate support to be provided to the employee.
- A referral of the employee's case by the council to an Occupational Health Adviser to seek appropriate advice.
- The employee who is unable to continue to work in their specific capacity to be considered for redeployment before dismissal is considered on ill-health grounds.

3. Scope

This procedure covers employees who are on long term absence through ill health. A separate council procedure applies to the management of short term absences. The council policy on Redundancy, Early Retirement on the Grounds of the Efficiency of the Service and Ill Health addresses the circumstances where an employee with a permanent medical condition can be retired on ill health grounds.

4. Action to be taken in all cases of long term ill health

In instances of any long-term absence, it is essential that regular contact be maintained between the employee and their manager. This may be either by telephone or meeting face to face. This meeting can be at work, at home or in a mutually convenient venue. HR will advise in individual cases and circumstances on the appropriateness of a home visit that should only take place by prior arrangement with the employee.

The employee must keep management informed of progress and developments during the absence in order to ensure that all the facts are known.

Absences due to ill health may occur for many different reasons. Various services of the council will be able to bear such absences to varying degrees depending, for example, on the type of job and/or the availability and cost of cover. There will come a point in time in an employee's long-term absence where the needs of the council for the employee to be present come into conflict with the employee's continuing absence. It is at this point, which will vary from case to case, that steps need to be taken to determine both the further duration of the absence and any action the Authority needs to take to facilitate a successful return to work.

The overriding aim is to strike the right balance between the concern for the wellbeing of the individual employee and the impact of the employee's absence on the efficient delivery of the council's service.

5. Referral to the council's Occupational Health Adviser

Where the employee's recovery period is uncertain and is likely to significantly exceed four weeks, or the point is reached that the continuing absence of the employee cannot be borne by the council, then the employee's line manager/headteacher, with support from HR, will meet with the employee (and their representative if they so wish) to explain the situation and inform the employee that he/she is to be referred to the Occupational Health Adviser.

The employee will be asked by Occupational Health to complete the 'Consent for Disclosure of Medical Information' form to ensure that the most comprehensive medical assessment can be obtained. The issues to be explored in the referral will be:

- The permanency or otherwise of the absence including advice on whether the condition falls within the auspices of the Equality Act in relation to disability discrimination.
- Confirmation of the nature of the employee's illness.
- The likely further duration of the absence, if not permanent.
- Any support the council should provide to aid a return to work.

6. Meeting with the employee to discuss the results of the referral

The information in the Occupational Health Adviser's report will allow the manager to make an informed judgement as to the most appropriate action to take regarding the individual employee's circumstances. Following discussion with Human Resources the options likely to be available are:

- No further action (where the employee is fit to return to work within a determinable and notified period).
- Where the employee is unfit to carry out their normal duties in their current job but is capable of performing other work, there will be a need to examine whether changes on a temporary or permanent basis can be accommodated to facilitate the employees return to work, in their own post with changes, or an alternative if this is available.
- If a disability (as defined by the Equality Act) has been identified it is essential that comprehensive consideration be given to reasonable adaptations to allow the employee to continue in his/her post, or movement to a post that will be commensurate with the employee's disability.
- The manager may consider allowing a further period of absence to aid a potential recovery with reviews at appropriate intervals.
- The manager can agree to the employee returning to work on a temporary programme of reduced responsibility and/or in exceptional cases on reduced hours, returning incrementally to full time working (or normal working hours for a part time employee). In such cases, staff will receive their normal pay, which will not be regarded as sick pay.
- Consideration will be given to ill health retirement in accordance with the provisions of the appropriate pension scheme.
- This option will only apply if recommended and supported by the Occupational Health Adviser.
- Criteria for ill health retirement are clearly defined and stringent and it will not always be possible to recommend this even when return to the same job is unlikely in the short or medium term.
- The offer of ill health retirement is not within the gift of the employer and can only be executed following approval by the Occupational Health Advisor.
- Ill health retirement is classed as a dismissal under employment legislation and therefore if it is recommended by the Occupational Health Adviser, a meeting should be convened with the appropriate

Director, or nominated Head of Service, the employee and those involved in the case before the retirement is actioned.

- Where the employee remains unfit for work and the above options are not applicable and the manager has judged that the job can no longer be held open the manager will normally recommend dismissal. In all cases where dismissal is recommended consideration must initially be given to the possibility of redeployment.

In all cases advice should be sought from HR and/or Legal Services as to whether there are any implications in respect of the disability discrimination provisions within the Equality Act.

7. Hearing to consider dismissal

Where dismissal is recommended by a manager a Absence Management Hearing will be arranged and chaired by a Director or nominated Head of Service (the Chair) in accordance with the Procedure for Conducting Absence Management Hearings as set out in Appendix 4.

If the Chair determines that the evidence presented supports the dismissal of the employee, the employee will be given notice of their dismissal from the council.

N.B. Cases of long term ill health relating to Heads of Service, Directors and the Managing Director will be managed in accordance with the arrangements set out in Section 7 of the Short – Term Absence Procedure.

8. Notification of dismissal in cases where ill health retirement pension is payable

In cases where an employee will receive an enhanced ill health pension from the Local Government Pension Scheme, an information report will be presented to CMT, where payments are less than £25000 or the Employment Panel, where payments exceed £25000. The report will be presented during the employees notice period.

9. Appeal

An employee may appeal against their dismissal under this procedure in writing to the Head of Human Resources within 5 working days of receiving notification of the sanction. The letter must state the grounds for the appeal and any documents submitted in support of the appeal must be attached.

Appeals will be conducted in accordance with the Procedure for Conducting Appeals set out in Appendix 5.





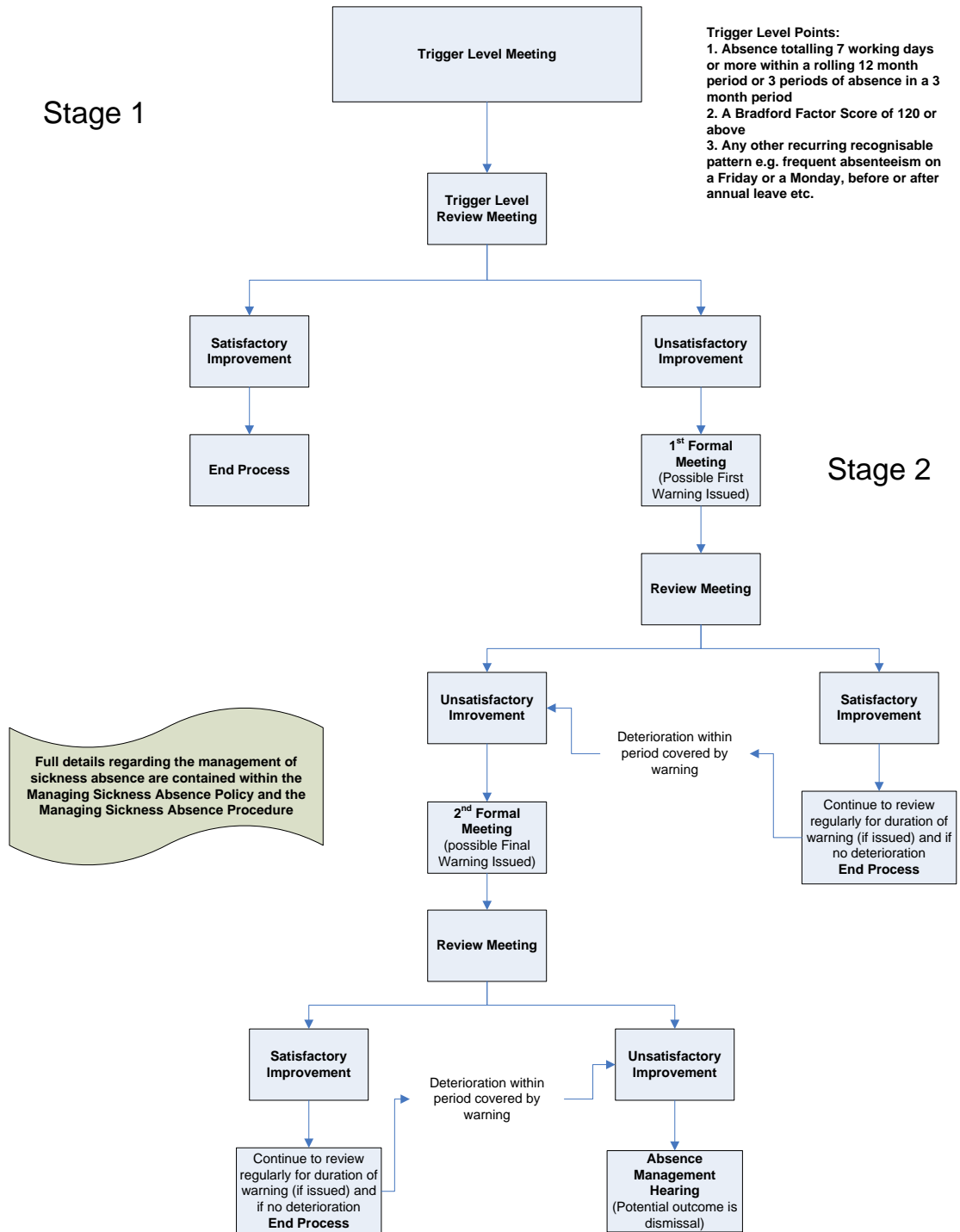
RETURN TO WORK INTERVIEW RECORD

To be completed by the manager at the conclusion of the interview and the details to be entered on iTrent. The employee should also complete a self-certification form and submit a Doctor's Fit Note if applicable. **PLEASE REMEMBER TO CLOSE THE EMPLOYEE ABSENCE ON ITRENT**

Name of employee		
Job Title		
Name of employee's manager		
Dates of absence		
Length of absence		
Total days sickness absence and number of separate periods of absence in previous 12 months		
Reason given for absence <small>* If due to accident at work ensure an accident report form is completed</small>		
Did the employee comply with notification procedures?	Yes	No
If No, the employee was reminded of their obligations and informed that should there be further instances their entitlement to sick pay may be compromised	Yes	
Did the employee consult his/her GP?	Yes	No
Did the employee indicate that factors at work may have caused or contributed to the absence?	Yes	No
If yes, please provide further details below including information regarding action that will be taken to support/assist the employee:		
Is this absence part of an overall pattern?	Yes	No
If yes, please provide further details below including information regarding any further actions that will be taken to address the issue:		
As a result of the discussion is there any practical assistance, supportive measures or follow-up actions required?	Yes	No
If yes, please provide details below:		
Any further comments from the manager:		

Signature (Employee) Signature (Manager)..... Date completed.....

Procedure for Managing Short Term Sickness Absence





TRIGGER LEVEL MEETING RECORD

Section 1 to be completed by the manager at the conclusion of the trigger level meeting. Section 2 to be completed by the manager at the conclusion of the review meeting. A copy should be given to the employee and a copy retained by the manager.

Section 1: Trigger Level Meeting

Name of employee	
Job Title	
Name of employee's manager	
Frequency of absence and reasons given (<i>detail the number, length and reasons given for absence and why there is cause for concern</i>):	
Contributing Factors (<i>detail any issues identified by the employee as affecting their absence levels e.g. relationships with colleagues, workload concerns, domestic issues etc</i>):	
Supportive Measures (<i>detail any actions arising from the discussion e.g. management referral to Occupational Health for advice and recommendations, referral to Employee Assistance Programme, reasonable adjustments such as changes to work practices or provision of specialist equipment</i>):	
Target for improvement and review date (<i>e.g. no absences for next 3 months</i>):	
Possible consequences of not achieving improvement i.e. invoking of Stage 2 / Formal Action have been explained to the employee	Yes
Any further comments from the manager:	
Any further comments from the employee:	

Signature (Employee) Signature (Manager)..... Date completed.....

Section 2: Outcome of Review Meeting

Date of review	
Absences since Trigger Level Meeting <i>(detail the number, length and reasons given for absence during the review period):</i>	
Outcome of Review <i>(managers assessment of whether or not the required improvement has been achieved):</i>	
Next steps <i>(e.g. termination of process and no further action, setting of further review period, progression to Stage 2 / Formal Action and scheduling of First Formal Meeting):</i>	
Further comments from manager:	
Further comments from employee:	

Signature (Employee) Signature (Manager)..... Date completed.....

Procedure for Conducting Absence Management Hearings

This procedure applies to Hearings conducted at the final stage of both the short term and long term absence management procedures.

1. General Requirements

The meeting will be chaired by a Director (the Chair), or in a Director's absence, a nominated Head of Service will be authorised to dismiss an employee. Nomination will be in writing and details held by HR.

The Chair will be supported by a HR representative who, where possible, has had no prior involvement in the case. HR will consult Legal Services in advance of the hearing and a representative may attend the hearing if required.

Notification of the meeting will be provided, in writing, at least **five working days** prior to the meeting and the letter should contain:

- a clear explanation of the purpose of the meeting.
- possible consequences of failure to reach the required sickness absence levels, including the option of dismissal.
- the time, date and venue of the meeting.
- who will be present at the meeting.
- a statement confirming the right to be accompanied at the meeting by a trade union representative or a work colleague.

The employee must take all reasonable steps to attend a hearing. If the employee or their companion cannot attend the hearing on the notified date, another hearing will be arranged, so far as is reasonably practicable within five working days of the original date. If an employee fails to attend twice the hearing will proceed in their absence unless there are exceptional circumstances. The employee's companion may attend and present the employee's case and the employee will be allowed to make a written submission in such a situation.

The manager will prepare a summary report and collate the documentation to be considered at the Hearing. This will include Occupational Health Reports, service reasons for not considering any further period of absence and the efforts made, where appropriate, to identify redeployment. This will be passed to the Chair who will ensure that it is sent to all participants at least five working days prior to the hearing.

The employee may prepare a summary of his/her case, which should be forwarded to the Chair at least three working days prior to the meeting. This will be forwarded to all those participating in the hearing. If the

employee wishes to call any witnesses to the meeting, they should also notify the Chair of this at least three days in advance of the meeting.

Timescales may be varied in exceptional circumstances by mutual agreement.

2. Conduct of Hearing

The meeting will be conducted as follows:

a) The Chair will introduce those present and explain why they are there, explain the purpose of the meeting and how the meeting will be conducted.

b) The line manager/headteacher will present the summary report in the presence of the employee and representative and call any witnesses.

c) The employee or representative may ask questions of the line manager/headteacher and any witnesses called.

d) The Chair and HR representative (and Shared Legal Solutions Representative, if present) may ask questions of the line manager/headteacher and witnesses.

e) At each stage of the meeting, and before any witnesses are released, the Chair will give those present the opportunity to ask questions and make any comments.

f) The employee will present his/her summary report in the presence of the line manager/headteacher and call any witnesses as necessary.

g) The line manager/headteacher may ask questions of the employee and witnesses.

h) The Chair and HR representative may ask questions of the employee or witnesses.

i) The line manager/headteacher will have the opportunity to sum up if so wished.

j) The employee will have the opportunity to sum up if so wished.

The meeting will then be adjourned for the Chair to consider the facts of the case, including any medical or occupational health advice and make a decision. The line manager/headteacher or employee may be recalled to clear points of uncertainty on evidence already given. If recall is necessary, both parties will return regardless of which party is concerned with the points in doubt.

If it is found that attendance levels remain unacceptable, the possible outcomes of the meeting include:

a) Subject to prior agreement with the employee, he/she may be redeployed to an alternative vacant post commensurate with his/her capabilities;

b) The employee may be given further time for improvement and/or provided with new objectives;

c) The employee may be dismissed on the grounds that his/her ill health prevents him/her from being capable of work;

In most cases the hearing will be reconvened and the decision delivered verbally on the day although there may be occasions where this is not possible. In any event the decision, reasons for it and information about the right of appeal will be confirmed in writing within **seven working days** of the hearing.

PROCEDURE FOR CONDUCTING APPEALS UNDER THE ABSENCE MANAGEMENT PROCEDURE

This procedure applies to Appeals raised under both the short term and long term absence management procedures.

1. General Requirements

An employee wishing to appeal against a decision, must do so in writing to the Head of Human Resources within **five working days** of receiving written notification of the sanction, stating the grounds for the appeal. Any documents submitted in support of the appeal must be attached.

The employee may be accompanied by a trade union representative or work colleague of his/her choice at any appeal hearing.

The management representative at the appeal hearing will be the manager responsible for the decision which is the subject of the appeal.

With the exception of appeals against dismissal, the appeal hearing will be held within **10 working days** of receipt of the submission and the employee will be given no less than **five working days** notice of this hearing.

against dismissal will be heard by an Appeals Panel, consisting of Members of the council's Employment Panel, within twenty working days of the Appeal being lodged. The panel will be advised by the Head of HR. The employee will be given no less than **10 working days** notice of this hearing.

2. Conduct of Appeal Hearing

The Chair of the Appeal Panel will conduct the hearing as follows:

a) The Chair of the Panel will open the proceedings with an explanation of the purpose of the hearing and the procedure to be followed, introducing those present. He/she will confirm the employee's reason for lodging an appeal as submitted in writing to the Chair.

b) The employee and/or his/her representative will put his/her case in the presence of the management representative outlining the grounds for the appeal and the reasons why he/she feel the original decision was in correct. The employee or his/her representative shall call any witnesses or refer to any documents as necessary. Witnesses shall be called in turn and for each witness the procedure shall be:

- the employee or representative question the witness.
- the management representative questions the witness.

- the Appeal Panel question the witness.
- c) The management representative will ask questions of the employee and/or representative.
- d) The Appeal Panel will ask questions of the employee and/or representative.
- e) The management representative will put the case for sickness absence management action in the presence of the employee and his/her representative calling witnesses and referring to documents, as necessary. Witnesses shall be called in turn and for each witness the procedure shall be as in (b) above.
- f) The employee and/or representative will ask questions of the management representative.
- g) The Appeal Panel will ask questions of the management representative.
- h) The management representative and the employee and/or his/her representative will sum up their respective cases and then withdraw.

The Appeal Panel will consider the case in private with their advisers. When determining the outcome of any appeal, the Chair may overturn, vary or confirm the decision under appeal.

The decision of the Panel shall be notified to the employee verbally at the end of the Hearing in the presence of the management representative and shall be confirmed in writing within **seven working days** of the hearing.

The decision of the Appeal Panel shall be final.