

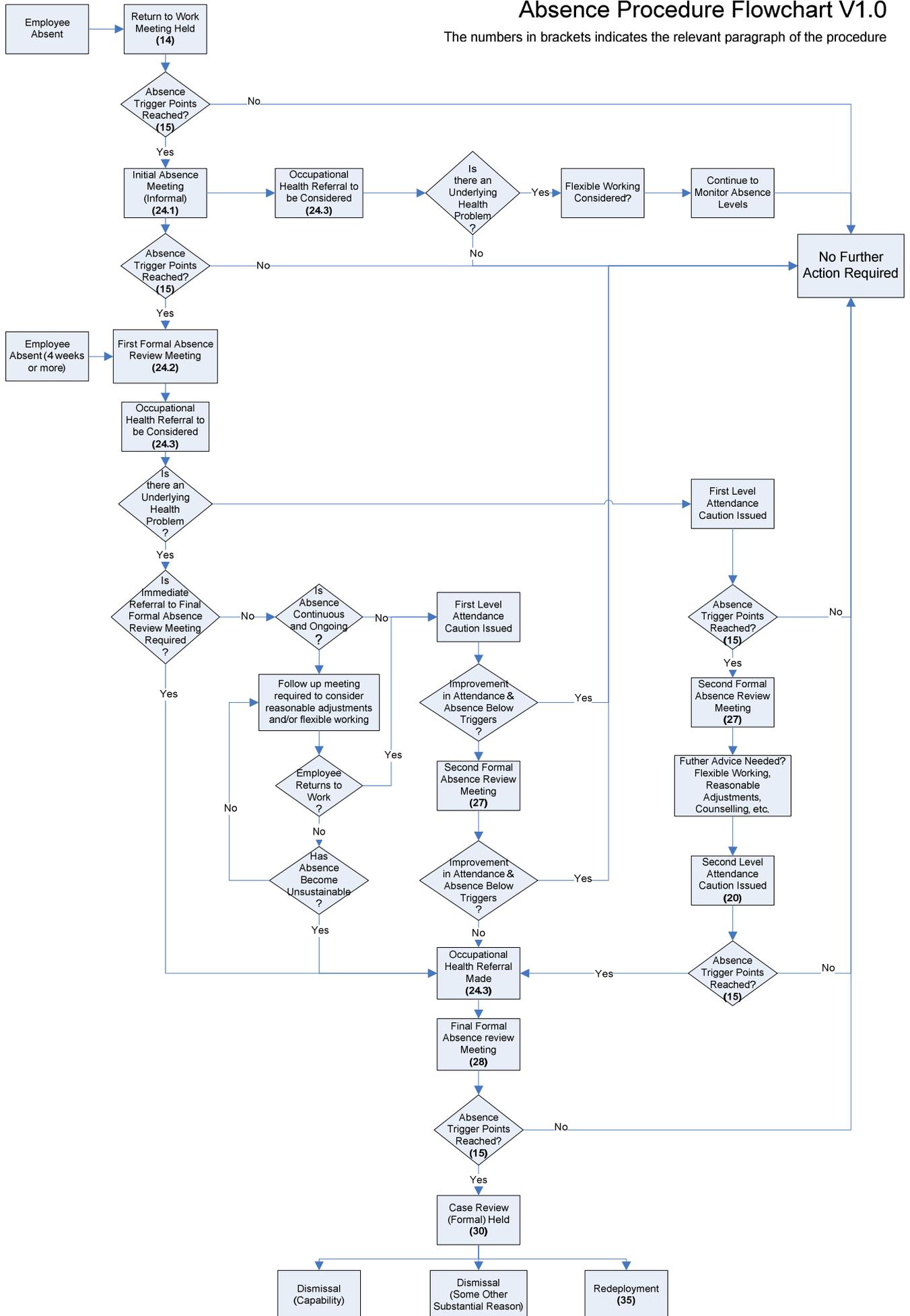
Maximising Attendance at Work Procedures

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Absence Procedure Flowchart V1.0

The numbers in brackets indicates the relevant paragraph of the procedure



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1. Monitoring and Prevention

- 1.1. Effective implementation of the Maximising Attendance at Work Policy requires managers to actively monitor the attendance levels of their staff on an ongoing basis. Monitoring enables emerging trends to be identified with a view to taking early action to prevent absence/health issues from developing into potentially longer-term problems. This includes analysing health and safety incident information to identify the causes of absence so that appropriate action can be taken to reduce or eliminate workplace injuries and lost time.
- 1.2. Managers should use monitoring information to identify possible symptoms of stress (work-related or otherwise), motivational/behavioural matters or physical well-being issues that may be causing, or contributing to an employee's absence from work.
- 1.3. Issues relating to workload, the quality of working relationships, poor or inappropriate management styles and inadequate communication systems can all contribute to the creation of stressful working conditions. Similarly, pressures out with the workplace can adversely affect an employee's health and work performance. Identification of those issues combined with appropriate interventions at an early stage can help avoid absence from work.
- 1.4. Line managers will be held accountable for managing sickness absence. The Strategic Management Team will receive quarterly reports, the Executive Committee will be given 6 monthly updates and the Audit Committee will also scrutinise attendance levels on a regular basis.
- 1.5. Targets will be reviewed on at least an annual basis and Services are expected to provide year on year improvements in their sickness absence figures. Monthly reports will be considered by Departmental Management Teams. These will detail the names of any employees who have breached corporately agreed trigger levels, what stage in the formal procedure they are at, and if no action has been taken, justification as to why this is the case.
- 1.6. The Council also aims to encourage employees to pursue healthy lifestyle options through initiatives promoted under the Healthy Working Lives Award Programme on the basis that such measures can have a positive impact on attendance and work performance.

2. Implementation

- 2.1. The Maximising Attendance at Work Procedures will be reviewed periodically by the Council and in conjunction with recognised Trade Unions in light of developments in employment legislation and/or employment relations practice and, if necessary, revised in order to ensure their continuing relevance and effectiveness. Any changes, including new obligations, will only be introduced after consultation with the relevant Trade Unions.

3. Ill Health which does not lead to absence from work

- 3.1. There may be occasions where an employee is suffering from ill health, but this does not lead to the employee being absent from work. If the employee believes their ill health is having an impact on their ability to undertake their job they should raise this with their line manager in the first instance. The line manager should discuss the matter confidentially with the employee; discuss whether any additional support can be provided to the employee to support them at work and/or review any workplace risk assessments, where appropriate. In this circumstance the employer or employee may request to seek advice and guidance from the Council's Occupational Health Adviser.

4. Work related Ill health or Injury

- 4.1. If an employee or manager believes that ill health or injury has been caused by work, the employee must report this to his/her line manager who must complete the Council's Accident Report Form PER/S/100C as soon as possible.
- 4.2. If an employee has not reported an accident at work and/or an Accident Report Form completed, and the employee subsequently believes their ill health or injury is caused by work, they should report this in writing to their line manager, setting out the reasons why they believe that work has contributed or caused their ill health or injury.
- 4.3. Where an Accident Report Form has been completed or where an employee subsequently claims their ill health or injury is caused by work, the situation should be thoroughly investigated. The line manager should inform their Head of Service and discuss the situation with the Health and Safety section in order to determine who should undertake the investigation.

5. Medical Suspension

- 5.1. The Council has a duty to take all reasonable steps to ensure the health and safety of its employees. In specific, exceptional circumstances there may be a need for the Council to suspend employees on medical grounds if it believes an employee is particularly at risk.
- 5.2. In such circumstances a risk assessment considering the risk to the individual, colleagues and the Council will be carried out. A decision to medically suspend an employee can only be taken by the Executive Director (or delegate in the absence of the Executive Director) and in conjunction with Human Resources.

As part of the risk assessment, all other options such as temporary adjustments to duties or alternative employment should be exhausted before a medical suspension is considered.

Please Note: Only persons who have been trained in Risk Assessment methods should undertake this procedure. For details please refer to the [Health & Safety Policy](#) or contact the Health & Safety team for further information.

- 5.3. Whilst seeking appropriate advice, medical suspension will normally be on the basis of continued entitlement to full contractual pay. Employees must remain available for work during this time. The employee would normally be medically suspended until such time as it can be established via an Occupational Health referral they are fit for work, however Executive Directors are required to review the suspension at least once every 10 working days to ensure they are acting on the most up-to-date medical information available.

Contact HR for advice on an appropriate letter to the employee.

6. Occupational Health

- 6.1. The purpose of an Occupational Health referral is to provide managers with advice that will assist them in managing the attendance of an employee including, where appropriate, guidance on how an employee can be supported to return to, or remain at work. A referral is beneficial for both the manager and employee, and should be regarded positively and not as a punitive measure.
- 6.2. The report provided by occupational health will only contain recommendations and advice in relation to how an employee's health problems impact on their ability to carry out the duties of their post, and not their full medical history and details.
- 6.3. Employees must co-operate fully with Occupational Health throughout their period of absence. If a medical appointment has been arranged and the employee fails to attend, or fails to provide adequate notice of cancellation without good reason, then any entitlement to occupational sick pay may be withheld and disciplinary action against the employee taken. Managers considering disciplinary action should, in the first instance, consult Human Resources.
- 6.4. Possible outcomes from Occupational Health Referrals include:-
- Review periods may be set, with further advice obtained from Occupational Health;
 - Reasonable adjustments such as changes to the workload, work practices or work patterns may be identified and implemented, either as part of phasing the employee back to work, or on a more permanent basis;
 - Other support mechanisms may be identified and implemented;

- Redeployment under the Council’s “Redeployment Procedure for Medical Reasons” may be pursued;
 - Investigation may take place into whether the employee may be eligible for ill health retirement pension benefits; and
 - Consideration may be made about the employee’s continuing employment, leading to the decision to dismiss the employee due to their incapacity to undertake their job due to ill health. These decisions will take into account the employee’s prognosis.
- 6.5. In order for all options to be explored fully, it is important that the employee attends all Occupational Health appointments. Where an employee refuses to co-operate in providing the required medical evidence, he/she will be advised in writing that the Council’s Disciplinary Procedures will be invoked.
- 6.6. If a second medical opinion is required, or on the rare occasion there is a dispute between the Occupational Health Physician and the employee’s doctor, the Council will refer the case to an independent medical referee whose opinion shall be final.

7. Application of Procedure

- 7.1. For the purpose of applying the Maximising Attendance at Work procedure, absence constitutes periods of intermittent absence, periods of continuous absence or a combination of both where the employee has cited sickness, including industrial injury, as the reason for their absence.
- 7.2. Absence can normally be categorised into two distinct types; short-term and long-term sickness absence. The action taken to manage each type may differ.
- 7.3. Long-term absence is considered to be a period of continuous sickness absence lasting four weeks or more (28 calendar days).
- 7.4. In some circumstances an absence may not fall neatly into the short-term/long-term categories and may meet the trigger for both short and long term. In these instances, managers, with assistance from Human Resources should review the employee’s absence record and decide upon the most appropriate way of managing the employee’s absence.
- 7.5. The Council’s corporate triggers are outlined in **Section 15 Sickness Absence Trigger Levels**.
- 7.6. Where an employee has an ongoing medical condition which is affecting their performance at work, it may be appropriate to deal with this under this procedure. However, this should be discussed with Human Resources before any action is taken.

8. Notification & Certification Requirements

- 8.1. On each occasion of sickness absence, employees must comply with the Council's notification and certification requirements. Failure to comply with these without reasonable explanation will result in entitlement to Statutory Sick Pay and/or Occupational Sickness Allowance for all or part of the absence being forfeited. For further details please refer to the [Absence Line guidance](#) or contact the Attendance team for further information.
- 8.2. In certain circumstances where abuse of the sick pay regulations is suspected, the employee may be required by the Council to submit a "Statement of Fitness for Work" ("Fit Note") from the first day of each period of absence, at the Council's expense. Where the manager deems this action applicable following discussion with Human Resources, it will be confirmed in writing to the employee.
- 8.3. In accordance with the relevant Conditions of Service, Occupational Sickness Allowance may be suspended if an employee abuses the sick pay scheme and the matter dealt with under the terms of the Council's Disciplinary Procedures.
- 8.4. If the employee believes their absence may have been caused by something that happened at work they should inform their Line Manager of this and arrange for an Accident Report Form **PER/S/100C** to be completed.
- 8.5. Where an employee is absent for more than three days as a result of a work related injury, an **F2508** form must also be completed and sent to the Health and Safety Executive (HSE) with a copy being sent to the Council's Health & Safety Manager.
- 8.6. Further information on the Council's notification and certification requirements is contained in **Appendix 1** and in the Managers Toolkit on Managing Sickness Absence.
- 8.7. A sample letter can be found in **Appendix 2** for use where an employee has failed to comply with the Council's notification requirements.

9. Sickness Absence during Annual Leave

- 9.1. In accordance with the relevant provision of the SJC National Agreement on Pay and Conditions for Local Government Employees, an employee who falls sick during the course of annual leave will be regarded as being on sick leave subject to producing a doctor's statement covering those days on which the employee was sick. In these circumstances the employee will be entitled to have the period covered by the doctor's statement reinstated as annual leave. Where an employee is receiving sick pay under the Scheme, sick pay will continue if a public or extra statutory holiday falls during such sickness absence. No substitute public or extra statutory holiday will be given.
- 9.2. For teaching staff reference should be made to the relevant SNCT Conditions of Service.

10. Maintaining Contact with Employees who are Absent

- 10.1. The responsibility for maintaining contact rests equally with the manager and the employee. This helps prevent employees from becoming isolated and distanced from the workplace and their colleagues and allows managers to gain an understanding of when the employee expects to be back at work, any work related matters which require to be carried out or rescheduled, and any support the Council can provide to assist the employee's recovery.
- 10.2. The amount of contact will depend on the reason for, and length of, absence but to ensure it is maintained, employees must remain contactable during periods of absence and respond to letter and telephone messages. As a guide, after the initial contact with an employee regarding notification of sickness absence, the minimum contact requirement for short term intermittent absence would be once every two weeks. The minimum contact requirement for long term absence is once every month.
- 10.3. Ongoing dialogue will normally cover:
- Any forthcoming treatment and the possible outcomes;
 - The prognosis for recovery and the latest estimated date of return; and
 - Any support the Council can provide.
- 10.4. Contact should always be handled sensitively with due consideration given to the nature of the employee's illness. Whilst it is desirable to contact the employee directly, line managers should be aware that in some circumstances for example where the employee is in hospital, it may be necessary to maintain contact through a friend or relative.
- 10.5. Where appropriate the contact may be with a person other than the line manager. Contact by telephone and/or letter will be sufficient in many cases. In instances of prolonged absence it is likely to be desirable to meet with the employee. This would normally take place at the employee's place of work or at another suitable Council establishment.
- 10.6. On occasions, to be supportive to the employee and with their agreement, the appropriate method of contact may be a home visit. This should normally be undertaken by at least one manager known to the employee and another appropriate person with the date and time agreed in advance. In exceptional circumstances it may be appropriate for the manager alone to carry out the visit but this should be risk assessed depending upon the working relationship with the employee and the circumstances of their absence. The employee may wish to have a family member, trade union or colleague present.
- 10.7. Human Resources can provide further advice and guidance on the frequency and most appropriate method of maintaining contact if required. A sample script is included in **Appendix 3**.

11. General Information on “Statement of Fitness for Work” (Fit Notes)

11.1. The “Statement of Fitness for Work” more commonly referred to as the “fit note” means doctors can advise that an employee is either:

- “Unfit for work”
- or
- “May be fit for some work taking account of the following advice”

11.2. A doctor will give a 'may be fit for some work' statement if they think the employee's health condition may allow them to work as long as they are given appropriate support. A doctor will be able to suggest ways of helping an employee get back to work. This might mean discussing:

- a phased return to work;
- altered hours;
- amended duties; and
- workplace adaptations

11.3. The doctor will also provide general details of the functional effect of the individual's condition.

11.4. Please see the [Phased Return to Work Procedure and Guidance](#) which contains information on how such adjustments can be applied within the Council.

11.5. The advice on the fit note is not binding however all the GP's recommendations should be seriously considered and discussed with the employee in order to help support the employee back to work sooner.

11.6. If, following a period of absence, the GP feels the employee is able to return to work without any limitations, the GP will not issue the employee with a new statement.

12. Fit Note - May be fit for some work

12.1. Where an employee is advised they ‘may be fit for some work’, the employee should notify their line manager as soon as possible.

12.2. Line managers should arrange to meet with the employee as soon as possible (ideally within 2 days) to discuss the fit note with the employee and seek to agree with him or her how the recommendations can be implemented.

12.3. If the employee disagrees with their GP's opinion, line managers should speak to the employee and discuss any concerns they may have. If no agreement can be reached between the employee and line manager then an occupational health referral may be required.

12.4. Where an employee is considered ‘fit for work taking into account the following advice’, the adjustments may be straight forward enough that an Occupational

Health referral is not needed. In these cases check with HR to ensure that a referral is definitely not necessary.

12.5. If the Council is unable to facilitate the changes the GP recommends, the line manager will explain this to the employee and treat the employee as not fit for work. Employees do not need to return to their GP for a new fit note to confirm this.

12.6. Further advice is available from Human Resources.

13. Employee wishes to return to work prior to the expiry of Fit Note

13.1. Sometimes an employee will be able to return to work before the expiry of their medical statement. This may be because the employee has recovered faster than the doctor expected, or the doctor was not aware of how the Council could support the employee to return to work.

13.2. If the manager agrees it is appropriate for them to return to work, the employee may do so before the end of the Statement period. Employees do not need a further medical statement to confirm their fitness for work. However, managers will need to continue to manage their employees appropriately and carry out a risk assessment based on the evidence from the GP, and the manager's knowledge of the work and the work place. If managers have any concerns about their employee returning to work too soon, they should contact Human Resources for advice.

13.3. **Please Note:** Only persons who have been trained in Risk Assessment methods should undertake such procedures. For full details please refer to the [Phased Return to Work procedure](#).

14. Return to Work Meetings

14.1. The Return to Work Meeting is an effective means of reducing absence and must be held with the employee after every instance of absence, regardless of the length of absence or the employee's current/historic sickness absence record. It gives the line manager the opportunity to discuss with the employee any issues which may be affecting attendance, a chance to update the employee on what has happened whilst they were absent, and a method by which to ensure that notification and certification requirements have been complied with.

14.2. It is also a way of establishing the underlying reasons for absence and line managers may be able to make reasonable adjustments/short term arrangements to help the employee cope with an issue rather than feeling they have no alternative other than to be absent from work.

14.3. The earlier an employee is communicated with, the more chance there is of a satisfactory outcome.

- 14.4. Upon returning to work following sickness/injury absence, the line manager must arrange to meet privately with the employee, ideally during the first day back, or at least within three days of the return to work. The Council recognises that there may be some occasions where a face to face Return to Work Meeting is not possible, i.e. geographic distances between the line manager and employee. Therefore, in circumstances where it is not reasonable to conduct a face to face Return to Work Meeting then a telephone discussion can take place. Where an employee is returning after long term sickness absence the line manager must arrange to meet privately with the employee to conduct a face to face Return to Work Meeting. The Return to Work form must still be signed by the manager and employee.
- 14.5. It is important to remember that the return to work discussion is a two-way conversation in order to establish why someone has been absent from work and, where appropriate, what support the Council may be able to offer to the employee.
- 14.6. Where the employee's absence is due to an industrial accident, discuss the incident with the employee and ensure the Council's Accident Report Form PER/S/100C is completed. If the cause of the accident was due wholly or partly to the actions of the employee, the areas of concern should be discussed fully with the employee. Advise the employee of any remedial action or training that will be taken.
- 14.7. Managers should read the guide to [Return to Work Meetings](#) contained in the Managers Toolkit on Managing Sickness Absence. This provides a suggested structure for conducting Return to Work Meetings, how to prepare for them and examples of questions managers may find useful. **Appendices 4 – 7** also contain information on Return to Work Meetings.
- 14.8. A record of the Return to Work Meeting must be kept using the pro-forma contained in the Managers Toolkit on Managing Sickness Absence.
- 14.9. Repeated failure of a manager to carry out Return to Work Meetings will be deemed to be a breach of the Council's Maximising Attendance at Work Policy which could result in disciplinary action being taken against the manager.

15. Sickness Absence Trigger Levels

- 15.1. A sickness absence trigger level is defined as the level or frequency of absence over a prescribed period that gives rise to concern. It is also the level set by the Council that prompts an automatic intervention by an employee's line manager under the Maximising Attendance at Work Policy. The section headed "Action to take when a trigger Level is reached" provides details of what will happen once a trigger is reached.
- 15.2. The purpose of the trigger is to ensure the manager reviews the employee's attendance record and provides appropriate support and assistance where necessary to enable them to attend work.
- 15.3. On each occasion that an episode of sickness absence occurs, the employee's line manager will review the employee's record of absence over the previous 12

month rolling period. Where the absence results in a trigger being reached, appropriate action will be taken by the manager.

15.4. The Council's corporately agreed triggers are:

- Three or more instances of sickness absence in a twelve month rolling period, irrespective of the length of absence. (This period may be extended for the purposes of invoking the next stage of the Procedure where a recurring pattern or trend begins to emerge out with the rolling reference period);
- Ten or more cumulative calendar days of sickness absence within a 12 month rolling period. (This period may be extended for the purposes of invoking the next stage of the Procedure where a recurring pattern or trend begins to emerge out with the rolling reference period);
- Any noted pattern of absence e.g. Mondays and Fridays, or before, or after, leave;
- Continuous absence of more than four weeks (28 calendar days);
- Any period of unauthorised absence (failure to comply with notification and certification procedures).
- Where it has been reported that the absence is due to identifiable work-related issues. Examples of this could include medical conditions which are aggravated by working practices, occupational diseases or concerns about workload, working relationships etc;
- Where the reason for the absence is "stress" or a similar condition; or
- Back and/or musculoskeletal related absences

15.5. Whilst the above triggers should be applicable in most circumstances, this list is not exhaustive and should be seen as the standards to be applied. Managers should be aware they are entitled to raise concerns about attendance with employees at any stage if they believe it to be reasonable and appropriate. Advice from Human Resources is available.

15.6. When managing attendance, managers will need to exercise discretion and employ a test of 'reasonableness' taking into account the level of absence, the employee's absence history and the operational effect this is having on the Service and other colleagues. Managers must remember that each employee and his/her absence record are unique, and should look at the circumstances of each period of absence leading up to the trigger including:

- The reason for each absence and whether there is any connection between them;
- The duration of each period of sickness absence;

- Identifying any work based patterns and any links to any other leave. Although managers should be alert to the possibility of any pattern, for example frequent absence on Mondays, or before or after leave, managers should remain open-minded and not jump to any hasty conclusions about an employee's absences; and
- The impact on service delivery/team morale.

16. Guidance on moving through the Maximising Attendance at Work Procedure

- 16.1. A practical approach should be taken to ascertain when it would be unreasonable to meet an employee under the procedure, despite hitting an absence trigger e.g. where an employee's absence is directly attributable to a specific illness or recovery from a recent operation and they have previously had a good attendance record.
- 16.2. In some circumstances it may be appropriate to accelerate some stages of the procedure, particularly where the level cannot be sustained by the council and there is every indication that levels of attendance are unlikely to improve.
- 16.3. Moving within the procedure has a 12 month time limit between each stage during which a warning remains "live". Employees whose attendance is subject to review will be assessed at regular intervals and advised that if they do not improve or maintain their attendance between reviews they will normally progress through the Maximising Attendance at Work Procedure.
- 16.4. The trigger levels should be used as the standard to establish if the employee is back to maintaining an acceptable attendance level.
- 16.5. If the necessary level of attendance is achieved over the 12 month close monitoring period, no further action will be taken and normal management monitoring of attendance will resume.
- 16.6. However, there may be occasions where an employee's absence is satisfactory, only to lapse very soon after the 12 month period has ended. Where a pattern emerges, or there is evidence of abuse of the system, the employee's history under the maximising attendance at work procedure may be taken into consideration in deciding whether to move to the next stage of the procedure, or to require the employee to repeat the last stage that they were on for a further 12 months. After one repeat stage, further evidence of absence will normally result in moving onto the next stage.
- 16.7. Where the above is exhausted you may refer to the Council's Disciplinary Procedures.

17. Officers with authority to take action under the Maximising Attendance at Work Procedure

Stage of Procedure	Absence Review Meeting carried out by	Appeal heard by
Where meeting may result in a first, second or final absence caution.	Executive Director, Head of Service, line manager or more senior nominated officer. (NB Line Manager: a manager who has responsibility for managing the whole section/team in line with the Corporate Management Framework)	The nominated officer normally at a more senior level of management.
Case Review	Executive Director, Head of Service, the immediate line manager or more senior nominated officer. To be undertaken by Officers on a minimum salary placing equivalent to LGE12.	Employment Appeals Panel/Appeals Committee

18. Overview of Short-Term Absence Management Procedure

Overview of Short Term absence Procedure

Stage 1 – Initial Absence Meeting (Informal)

Meeting held within 10 working days

Line manager will write to employee within 5 days of initial Absence meeting to confirm points discussed



Absence trigger reached within a rolling 12 month period



Stage 2 – First Formal Absence Review Meeting

The employee shall be given at least 5 working days notice in writing of the purpose of the meeting.

Where a trigger point has been reached or exceeded, the Council may proceed to Stage 2 without completing Stage 1



Stage 3 – Medical Referral

Medical referral to the Councils Occupational Health Provider



Stage 4 – First Formal Absence Review Meeting (Continued)

The employee shall be given at least 5 working days notice in writing of the purpose of the meeting.



Absence trigger reached within a rolling 12 month period



Stage 5 – Second Formal Absence Review Meeting

Employee given at least 5 working days written notice of the meeting.



Absence trigger reached within a rolling 12 month period



Stage 6 – Final Formal Absence Review Meeting

Employee given at least 5 working days written notice of the meeting.



Absence trigger reached within a rolling 12 month period



Stage 7 – Further Medical Referral



Stage 8 – Case Review (Formal)

Where a First, Second and Final level attendance caution has been issued, the employees attendance will be monitored every 2 months unless a trigger has been reached.

The Council's Disciplinary Procedures may be invoked if no improvement is made.

19. Guidelines on Managing Short Term Sickness Absence

- 19.1. Short term absences are normally sporadic and attributable to minor ailments, in some cases unconnected. Short term sickness absence can be disruptive as it is difficult to put arrangements in place to cover the employee who is absent. Over a period of time it can affect the morale and performance of other employees, and it is important that it is managed fairly and consistently.
- 19.2. Where short term intermittent absence has been identified, a distinction should be made between absences on the grounds of an identifiable underlying medical health problem as opposed to absences where there is no identifiable underlying health problem. Occupational Health will be required to make an assessment on whether there is an underlying medical condition or not.
- 19.3. Where a medical examination and/or information reveals an inherent underlying medical problem the employee will usually receive medical treatment e.g. physiotherapy, remedial surgery etc. which will often result in an acceptable rate of recovery and attendance level being achieved. However, where the prognosis is such 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.
- 19.4. The key to managing persistent short term absence where there is no underlying medical condition is to ensure employees are aware of the standards expected of them in terms of required attendance levels, notification and certification procedures, regular monitoring and applying the procedures consistently.
- 19.5. If the absence is because of temporary problems relating to dependants, the employee may be entitled to unpaid time off under the Council's [Domestic Emergency Procedures](#).
- 19.6. If absence is because the employee has difficulty managing both work and home responsibilities then serious consideration should be given to whether more flexible ways of working could be accommodated. Parents of children aged 18 and under and carers of adults have the right to request flexible working arrangements and employers must have a good business reason for rejecting any application.
- 19.7. Under the Council's [Alternative Ways of Working procedures](#), all employees have the right to make flexible working requests including those without caring responsibilities.

20. Framework of meetings and cautions for managing short term sickness absence

- 20.1. Where, in the opinion of Occupational Health, it is established there is no underlying health problem and/ or there is an underlying health problem where there is either a deterioration or no improvement in attendance levels despite

consideration of all reasonable adjustments etc, cautions can be applied for instances of persistent short term absence.

20.2. The following table outlines a framework for managers to apply incremental attendance cautions which could potentially lead to dismissal for persistent short term absence.

Action	When applicable?	Frequency of Close Monitoring	Expiry of caution
First level attendance caution	The line manager will determine whether this will be applicable to issue at the first review meeting taking into account all the circumstances of the level of absence, an individual's absence history and the reasons for absence. This caution could therefore be applied where a 'trigger' has either been reached or exceeded.	Normally every 2 months unless a trigger has been reached	12 months
Second level attendance caution	This caution would normally be issued in writing within the agreed review period where there has been no sustained and significant improvement or there has been a further deterioration in attendance levels. This would normally be issued at a second absence review meeting.	Normally every 2 months unless a trigger has been reached	12 months
Final Attendance caution	This caution would normally be issued in writing within the agreed review period where there has been no sustained and significant	Normally every 2 months unless a trigger has been reached	12 months

	<p>improvement or there has been a further deterioration in attendance levels. This would normally be issued at a final absence review meeting.</p>		
<p>Dismissal</p>	<p>Before any decision is taken to dismiss, the employee would normally be referred to the Council's Occupational Health provider for an up to date medical report and the employee invited to attend a case review meeting. Where the levels of persistent short term absence can no longer be sustained for operational reasons, a recommendation for dismissal may result on the grounds of either capability or some other substantial reason depending upon the circumstances of each individual case.</p>		

21. Overview of Long-Term Absence Management Procedure

Overview of Long Term absence Procedure

Scenario 1 - Continuing absence

Initial absence meeting with employee and referral to Occupational Health via HR
(Between 4-8 weeks of the start of absence)



Follow up meeting to discuss Occupational Health report



Stage 2 – First Formal Absence Review Meeting (Up to 12 weeks continuous absence)



Stage 3 – Medical Referral

Medical referral to the Council's Occupational Health Provider



Stage 4 – First Formal Absence Review Meeting (Continued)



Stage 5 – Second Formal Absence Review Meeting (Up to 24 weeks continuous absence)



Stage 6 – Final Formal Absence Review Meeting (Between 24-36 weeks continuous absence)



Stage 7 – Further Medical Referral



Stage 8 – Case Review (Formal) Between 36-52 weeks continuous absence

Scenario 2 – Employee returning to work

An employee returning to work following a period of continuous absence will be dealt with at the appropriate stage of the procedure (2-6)

Depending on individual circumstances, contact with employee should be at least once a month.

The Council's Disciplinary Procedures may be invoked if no improvement is made.

22. Guidelines on Managing Long Term Sickness Absence

22.1. The best way of supporting employees with long-term absence is through regular contact and timely referrals to occupational health. The procedure ensures managers discuss the duration of an employee's absence, continue to offer and discuss support mechanisms and advise the employee of the possible consequences of their continued absence.

22.2. Long-term absence cases will be considered on their individual circumstances within the parameters set out in the procedure below.

23. Framework of meetings and cautions for managing long term sickness absence

Action	When applicable?	Frequency of close monitoring
Regular contact with the employee, normally by telephone	From start of absence onwards	Depending on individual circumstances but as a minimum once a month
Initial Absence Meeting with the employee to discuss the following: <ul style="list-style-type: none"> • employee's current state of health • likely duration of their sickness absence • referral to Occupational Health • any other issues concerning the employee's future fitness to return to her/his post. 	Normally between 4 – 8 weeks of the start of the absence	
Referral to Occupational Health via HR. The Council will provide Occupational Health with sufficiently detailed and relevant information to enable a meaningful medical opinion to be provided.	Normally between 4 – 8 weeks of the start of the absence	
Meet with employee to discuss Occupational Health report Possible outcomes from Occupational Health Referrals include:- <ul style="list-style-type: none"> • Review periods may be set, with further advice obtained from Occupational Health • Reasonable adjustments such as changes to the workload, work practices or work patterns may be identified and implemented, either as part of phasing the employee back to work, or on a more permanent basis. • Other support mechanisms may be identified and implemented. • Redeployment under the Council's "Redeployment Procedure for Medical Reasons" may be pursued. 	Upon receipt of advice from Occupational Health	Depending upon individual circumstances but at least every 3 months

<ul style="list-style-type: none"> Investigation may take place into whether the employee may be eligible for ill health retirement pension benefits. Decisions may be made about the employee's continuing employment, leading to the decision to dismiss the employee due to their incapacity to undertake their job due to ill health. These decisions will take into account the employee's prognosis. 		
<p>Continuing Absence: Further Absence Meetings</p> <p>Where an employee is absent for a continuous period a number of occupational health referrals, absence review meetings and cautions may be necessary depending upon individual circumstances and prospects for a return to work. Employees should be advised that even though they may have an underlying health condition, their level of sickness absence cannot be sustained indefinitely in terms of the operational requirements of the service.</p>	<p>First Formal Absence Review Meeting – 8 to 12 weeks continuous absence.</p> <p>Second Formal Absence Review Meeting – No later than 24 weeks continuous absence.</p> <p>Final Formal Absence Review Meeting – between 24 to 36 weeks continuous absence</p>	
<p>Dismissal due to long-term absence</p> <p>If the stage is reached where an employee's long-term absence is causing concern in relation to the operational effects on the service an up-to-date Occupational Health report must be obtained.</p> <p>If the employee is unlikely or unable to make a sustained return to work within a reasonable timescale, and/or is permanently unfit to fulfil their current role then the employee will be invited to attend a Case Review to discuss options which may include termination of employment.</p>	<p>Between 36 to 52 weeks continuous absence/when absence can no longer be sustained/when the opinion of the OH Adviser is the employee is unlikely to return to work within a reasonable timescale</p>	

<p>Employee Returning to Work</p> <p>An employee returning to work following a period of continuous absence will be dealt with at the appropriate stage of the procedure (Stages 2 – 6)</p>		
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24. Action to take when a Trigger Level is reached

24.1. Stage 1: Initial Absence Meeting (Informal)

- 24.1.1. On the first occasion that an employee reaches one or more of the Council's sickness absence trigger levels, the line manager will hold an initial absence meeting with the employee. This should be held as soon as possible but as a rule no later than 10 working days following the employee's return to work meeting, or after 28 calendar days of the start of a long-term absence.
- 24.1.2. The employee should be advised in writing not less than 5 working days in advance of the date and time of the initial absence meeting to allow the employee to arrange to be accompanied if he/she so wishes. Less notice may be given by mutual agreement.
- 24.1.3. Whilst it is preferable for this meeting to take place in person, it can be held over the phone/by video conferencing etc where required.
- 24.1.4. A medical referral will not always be appropriate at this stage but may be made if considered necessary.
- 24.1.5. The line manager will discuss the following:-
- Employee's absence record
 - Explore the reasons for absence
 - Identify areas for support
 - Agree targets for improvement and clarify what further action may be taken if improvement targets are not met
 - Risk assessment (where appropriate).
- 24.1.6. See **Appendices 8 - 13** for further information.
- 24.1.7. The employee at this stage should be given the opportunity to inform their line manager as to whether there is an underlying health problem that may be contributing to their levels of sickness absence.
- 24.1.8. If a possible health problem is indicated the line manager may arrange a referral to occupational health to seek medical advice. Early referrals to the occupational physiotherapist or Employee Counselling Service are vital in circumstances where any musculoskeletal problems or stress factors have been identified. Referrals to Occupational Health, including the Occupational Physiotherapist, should be made via Human Resources who will also consult with the Council's Health and Safety team.

- 24.1.9. Guidance on arranging an [Occupational Health Referral](#) is available on the Hub within the Managers Toolkit for Managing Sickness Absence.
- 24.1.10. If stress is thought to be work-related then consideration also needs to be given to the development and implementation of a provisional 'support plan' for the employee's anticipated return together with a risk assessment where appropriate. Occupational Health may be approached for advice as well as asking the employee what they see as a way forward and/or potential solutions.
- 24.1.11. Referral of other problems to Occupational Health is recommended after 28 days from the start of absence and normally no later than 8 weeks. In situations where the prognosis/timescale for a return to work is clearer (e.g. where an employee is recovering from planned surgery/fracture) referrals may be delayed. The line manager should also consider taking any other action which might assist the employee to achieve acceptable improvement. If the level of sickness absence is a result of a disability under the Equality Act 2010, all reasonable adjustments should be considered. In these circumstances please consult Human Resources.
- 24.1.12. If the employee believes that aspects of the job itself are contributing to sickness absence then the manager should explore possible solutions with the employee. These could include undertaking risk assessments to identify problem areas, allowing the employee to work in more flexible ways or more flexible hours, or reduction of hours for a temporary period. Such changes may result in adjustments to the employee's salary and other terms and conditions of employment as appropriate and should be considered according to the operational needs of the Council. Further advice in this regard is available from the Human Resources.
- 24.1.13. If the employee is finding it difficult to cope with the job because of a lack of skills or knowledge and this is contributing to sickness absence, then the manager should investigate what skills or knowledge gaps can reasonably be addressed by training, education etc.
- 24.1.14. **Note:** unauthorised absence and reporting absence as sickness when this is not the genuine reason are serious disciplinary offences that could result in disciplinary action. If it becomes apparent at the meeting that the matter is a result of a deliberate misconduct issue, it will be dealt with under the Council's Disciplinary Procedures.
- 24.1.15. The employee should be advised that should there be a further occasion of sickness absence they will be invited to attend an initial Absence Review Meeting. Please note: where the employee's attendance has not previously come to the attention of management and where they are absent due to chronic illness/disease; where the employee has an underlying medical condition which may affect their attendance intermittently over a set period of time; or where the employee has to undergo a surgical procedure/requires hospitalisation which has a specified/expected date of recovery; then it may not be appropriate for the employee to progress to the first Absence Review Meeting. However, should the employee's absence then extend beyond the original expected date of return the employee will progress to the Absence Review Meeting.

24.1.16. The Line Manager will write to the employee normally within 5 days of the Initial Absence Meeting to confirm the points discussed. A copy of this letter should be placed in the employee's personnel file. (See **Appendix 11** for sample letter).

24.2. Stage 2: First Formal Absence Review Meeting (Formal)

24.2.1. **Note:** The Council may decide to proceed to this stage without completing Stage 1 where, for example, a 'trigger' point has been reached or exceeded and/or the employee's levels of absence are unlikely to improve without more formal procedures being instigated.

24.2.2. Where there is an underlying health issue, or where the employee's attendance level does not show a sustained improvement, the line manager shall examine the circumstances of the individual case in consultation with Human Resources. The line manager shall arrange to meet with the employee concerned, and may if necessary be accompanied by a member of the Human Resources team.

24.2.3. Where an Absence Review Meeting is convened the employee shall: -

- be given at least 5 working days notice of the meeting in writing though less notice may be given with mutual agreement;
- be informed of the purpose of the meeting; and
- be advised that he/she may choose to be accompanied by a trade union representative or work colleague. The employee will be entitled to have an interpreter or facilitator if there are understanding or language difficulties (perhaps a friend of the employee, or a colleague). The interpreter may need to attend in addition to the representative though ideally one person should carry out both roles.

24.2.4. The purpose of this meeting is to consider: -

- the employee's absence record;
- the employee's current state of health;
- the reasons for the level of absence;
- if there is an underlying health problem the development of a support plan to enable the employee to improve their attendance levels for example reasonable adjustments etc; and/or suggestions put forward by the employee to help them improve their attendance levels;
- the employee's expectations concerning future fitness to return to the required level of attendance; and

- medical referral to the Council's Occupational Health Advisers

24.2.5. Following the meeting the substance of the discussion should be confirmed in writing to the employee by their line manager. This letter should refer to discussions on the above points as well as any other relevant issues discussed at the meeting.

24.3. Stage 3: Medical Referral

24.3.1. Line managers (via Human Resources) should provide Occupational Health with relevant employee details including:

- the individual's sickness absence record with particular reference to the frequency, duration and reasons for the absence, including any apparent pattern;
- a summary of the employee's main duties/job description;
- details of how the absence or health issue is affecting their capability/functionality to do the job; and
- Any other relevant information provided by the employee via a Return to Work or any other meeting the line manager has had with the employee.

24.3.2. In return, the Council will seek the Occupational Health Adviser's opinion on specific issues. These may include:

- the likely duration of absence;
- whether or not an underlying health condition exists;
- the possibility of a reoccurrence of the illness;
- whether the employee is permanently unfit to carry out his/her duties;
- the nature of any possible alternative employment that could be offered; and
- whether there are any other reasonable adjustments that could be made.

24.3.3. In accordance with the relevant Conditions of Service, an employee may be referred to the Council's Occupational Health Adviser at any time subject to the provisions of the Access to Medical Reports Act 1988.

24.3.4. The Occupational Health Adviser will notify Human Resources if an employee fails to attend a medical appointment.

24.3.5. Guidance on arranging an [Occupational Health Referral](#) is provided in the Managers Toolkit for Managing Sickness Absence.

25. Reasonable Adjustments

- 25.1. On the recommendation of occupational health, the Council will consider alternative work, even if it is at a lower grade, lower status or at different hours and location. Health conditions which result in either short or long-term sickness absence will require to be considered under the Equality Act 2010. The Act defines disability as “a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities”. The Equality Act places a duty on the Council to make reasonable adjustments to enable an employee to return to work and maintain attendance levels. This may include making adjustments to premises or equipment, altering the duties of the post or, where necessary, redeploying the employee to fill an existing vacancy.
- 25.2. Where adjustments are being considered, the Council's Occupational Health Adviser should be requested to:-
- provide advice on the adjustments which may be required;
 - if the advice is that there are no adjustments which could be made to the employee's current post, give an indication of whether the employee is able to undertake alternative employment; and
 - if alternative employment is possible, the nature of any medical restrictions which should be considered.
- 25.3. This applies equally to cases of long-term and frequent short-term sickness absence where there is an underlying medical condition.
- 25.4. Whilst adjustments, either permanent or temporary, will normally be based on advice from Occupational Health, the Council may decide on the basis of other external medical advice e.g. from the employee's own GP or Consultant, that adjustments are required on a temporary basis in order to assist the individual back to work and/or to remain at work.
- 25.5. It should be noted that where there is a cost incurred to make reasonable adjustments for an employee whose health condition falls within the scope of the Equality Act 2010, “Access to Work” may be able to make a financial contribution. Further advice is available from Human Resources.
- 25.6. Further guidance and examples of reasonable adjustments can be found within the Equal Opportunities procedure and/or advice obtained from Human Resources.
- 25.7. The Council will, where possible, consider alternatives and adjustments even where employees are unlikely to be disabled within the meaning of the Equality Act 2010.

26. Stage 4: First Formal Absence Review Meeting – continued

26.1. Following receipt of a report from Occupational Health the first absence review meeting shall be reconvened by the line manager.

26.2. The general principles are:

- the employee shall be given at least 5 working days notice in writing of the purpose, date and venue for the meeting. Less notice may be given by mutual agreement;
- the employee will be advised that he/she may choose to be accompanied by a trade union representative or work colleague;
- At least five working days prior to the meeting the employee will be provided with written details of their sickness absence record and a copy of the Occupational Health Adviser's report;
- Discuss, and where possible implement, any recommendations made in the occupational health report;
- confirm that the employee's absence level shall be closely monitored;
- Advise the employee whether or not it is considered necessary to restrict the use of the self certification process (e.g. GP certificate required for every absence) until the end of the close monitoring period;
- Issue an attendance warning and indicate the need to achieve and sustain the required improvement in attendance. Failure to do so could result in further attendance warnings or dismissal; and
- The content and outcome of the meeting will be confirmed in writing to the employee and a copy given to their representative if applicable.

26.3. The employee's attendance levels will be reviewed on a regular basis within the review period until such time as there is a sustained and significant improvement in attendance levels and/or the levels of sickness absence can no longer be sustained for operational reasons in which case dismissal may be the outcome.

26.4. Following or during the period of close monitoring established at the first absence review, if the employee does not achieve and maintain the necessary level of attendance/ the level of sickness absence continues to show no improvement or a deterioration then a further Absence Review Meeting may be convened. This may be held before the end of the monitoring period has been reached.

27. Stage 5: Second Formal Absence Review Meeting (Formal)

- 27.1. The employee will normally be given at least 5 working days written notice of the meeting though less notice may be given by mutual agreement. The manager will discuss with the employee the content of any further medical reports/advice received and any issues/possible solutions discussed at the First Formal Absence Review Meeting will be reconsidered.
- 27.2. In addition the manager will inform the employee that their attendance will continue to be reviewed at regular intervals within the review period. If the corporate trigger level is reached again this will result in a Final Formal Absence Review Meeting being convened which ultimately could lead to the employee's dismissal from the service as a result of unsustainable absence levels.
- 27.3. The manager will provide the employee with written confirmation of the content and outcome of the meeting, normally within 5 working days of the meeting. A copy will also be sent to any representative.

28. Stage 6: Final Formal Absence Review Meeting

- 28.1. A Final Formal Absence Review Meeting will be convened when an employee's absence reaches the corporate trigger following a Second Formal Absence Review Meeting or where an employee has been absent for a continuous period.
- 28.2. The employee will normally be given at least 5 working days written notice of the meeting though less notice may be given by mutual agreement. The manager will discuss with the employee the content of any further medical reports/advice received and any issues/possible solutions discussed at the Second Formal Absence Review Meeting will be reconsidered.
- 28.3. In addition, the manager will inform the employee that if he or she is not able to achieve the necessary level of attendance within the review period then dismissal on the basis of unsustainable absence levels is likely to result.

29. Stage 7: Further Medical Referral

- 29.1. Prior to a decision being taken to consider dismissing an employee for sickness absence the employee will normally be referred to the Council's Occupational Health Adviser for an up-to-date medical opinion. The employee shall be informed of this requirement and of the reason for referral.
- 29.2. Once the occupational health report is received, a manager will arrange to meet the employee and, where requested, his or her representative to discuss it. If the employee is unlikely or unable to make a sustained return to work within a reasonable timescale, and/or is permanently unfit to fulfil their current role then the employee will be invited to attend a Case Review to discuss options. The employee must be advised in advance that termination of their employment could be a possible outcome.

30. Stage 8: Case Review (Formal)

- 30.1. The purpose of a case review is to update all parties on the current absence in a formal setting including:
- updates on medical advice and reports;
 - prognosis for improvement;
 - reasonable adjustments which were or could be made to help to facilitate a sustained return to work;
 - any further actions or support that could be offered; and
 - Update the employee on issues within the workplace.
- 30.2. An employee will normally have been invited to attend at least two formal absence review meetings to discuss their sickness absence and reasonable adjustments required to enable a sustained return to normal duties. This ensures that the employee has been fully consulted on the impact of their illness, on the actions proposed and taken by the Council and the likelihood of their ability to make a sustained return to work within a reasonable timescale.
- 30.3. Even if the employee indicates that he or she is unable to attend a case review every effort should be made to postpone the meeting (up to 5 working days) to give the employee an opportunity to attend.
- 30.4. As one of the possible outcomes of the case review is dismissal, it is in the best interests of the employee to be able to state a case and bring forward new information as appropriate. If the employee is unable to attend the case review in person then they may, if they so wish, nominate their representative to attend in their place. If an employee is terminally ill and cannot attend the case review then they may nominate their representative to attend in their place. They will also be encouraged to make detailed written representations that the Case Review can consider.
- 30.5. A manager with delegated authority to dismiss must conduct the case review. A representative from Human Resources will normally be present. A table showing the levels of management with authority to issue warnings and/or dismiss can be found in **Section 17** of this procedure.
- 30.6. Normally a decision to dismiss an employee at a case review would be of last resort and consideration would only be given to this as an outcome where all other options to make a sustained return to normal working have been exhausted.
- 30.7. In cases where an employee has been diagnosed as having a terminal illness it may be appropriate in some circumstances to suspend any decision to dismiss. These situations will be considered carefully in consultation with Human Resources, taking account of the particular circumstances.

30.8. When reaching a decision about whether or not to terminate employment, the manager with the authority to dismiss will consider issues such as:

- the need for the work to be undertaken;
- the impact of the employee's absence and ill health on other employees and service delivery;
- the employee's absence record;
- financial and cost implications;
- the level of consultation with the employee during the absence;
- representations made by the employee and/or their representative;
- the medical advice received; and
- what actions have been taken to attempt to enable the employee to continue in employment.

30.9. Where an employee (other than a Teacher) is dismissed due to permanent ill health, the ill-health retirement provisions of the Local Government Superannuation Scheme shall apply to eligible employees.

30.10. The Teachers' arrangements for ill-health retiral are governed by the Scottish Public Pension Agency (SPPA). The Agency's rules specify that a SPPA medical practitioner shall independently assess any teacher whose employment has been terminated for reasons of capability due to ill-health, taking full cognisance of information from the Council's Occupational Health Adviser. SPPA will then take a decision on whether to release pension benefits. Please note the outcome of this process is independent of the Council's Procedures.

30.11. A letter confirming the outcome of the case review will be sent to the employee and any representative by the manager with delegated authority to dismiss, or their nominee. This will be sent within 5 working days of the conclusion of the meeting by Human Resources.

30.12. Further guidance on conducting Case Reviews is contained in **Appendix 14 - 16**.

31. Action following the decision to dismiss

31.1. Where a decision is taken to dismiss the employee on the grounds of sickness absence, the letter to the employee shall:

- refer to the above meeting;
- refer to previous correspondence;

- refer to the most recent report obtained from the Occupational Health Adviser;
- refer to action taken by the Council and employee;
- state the reason for the dismissal;
- state the effective date of the dismissal;
- indicate that the employee shall receive a payment in lieu of entitlement to notice, where applicable;
- indicate that the employee shall receive payment in lieu of any accrued holiday entitlement, where applicable; and
- refer to the employee's right of appeal and indicate the timescale for submitting an appeal.

31.2. This letter will normally be issued by Human Resources.

32. Representation

- 32.1. An employee may represent him or herself, or choose to be represented at any of the stages of the procedure from Stage 1 onwards. Only one representative will be permitted to attend any meetings, except where there are exceptional circumstances e.g. where an employee with disabilities has a support worker. This will be judged on a case by case basis.
- 32.2. The employee shall provide to the manager concerned written confirmation by letter or email in advance of the meeting of the intention to be represented. The employee shall, wherever possible, before the meeting provide the name of the representative. Where the representative is a fellow employee, the employee being interviewed should consider any possible conflicts of interest arising from their choice of representative. The manager can also object to the chosen representative if a conflict of interest arises.
- 32.3. Reasonable time off should be given to allow the fellow employee or trade union representative to prepare for the interview, and for the meeting itself.
- 32.4. An employee can offer an alternative meeting date where the representative cannot attend on the date proposed by management. However, the meeting shall normally be re-arranged within five working days of the date proposed by the manager.
- 32.5. The employee and their representative will be encouraged to take as full a part in the meeting as possible and the employee and/or their representative have the right to address management and to ask questions. The representative does not, however, have the right to answer questions which are asked directly of the employee.

33. Right of Appeal and Grievances

- 33.1. An employee will have the right to appeal warnings issued from Stage 2 of the procedure onwards. The appeal can be against the facts which led to their being seen under this procedure, or against the action taken as a result of a meeting under the Maximising Attendance at Work Procedure. Employees can also appeal against the decision to dismiss them.
- 33.2. It is not considered appropriate for an employee to raise a grievance against being called to a meeting, or against the outcome of a meeting.
- 33.3. If an employee raises a grievance during the Maximising Attendance at Work procedure it may sometimes be appropriate to suspend the process until the grievance has been undertaken.
- 33.4. Further information on the right of appeal and dealing with grievances can be found in the [Grievance Procedure](#) and **Appendix 17**.

34. Phased Return to Work

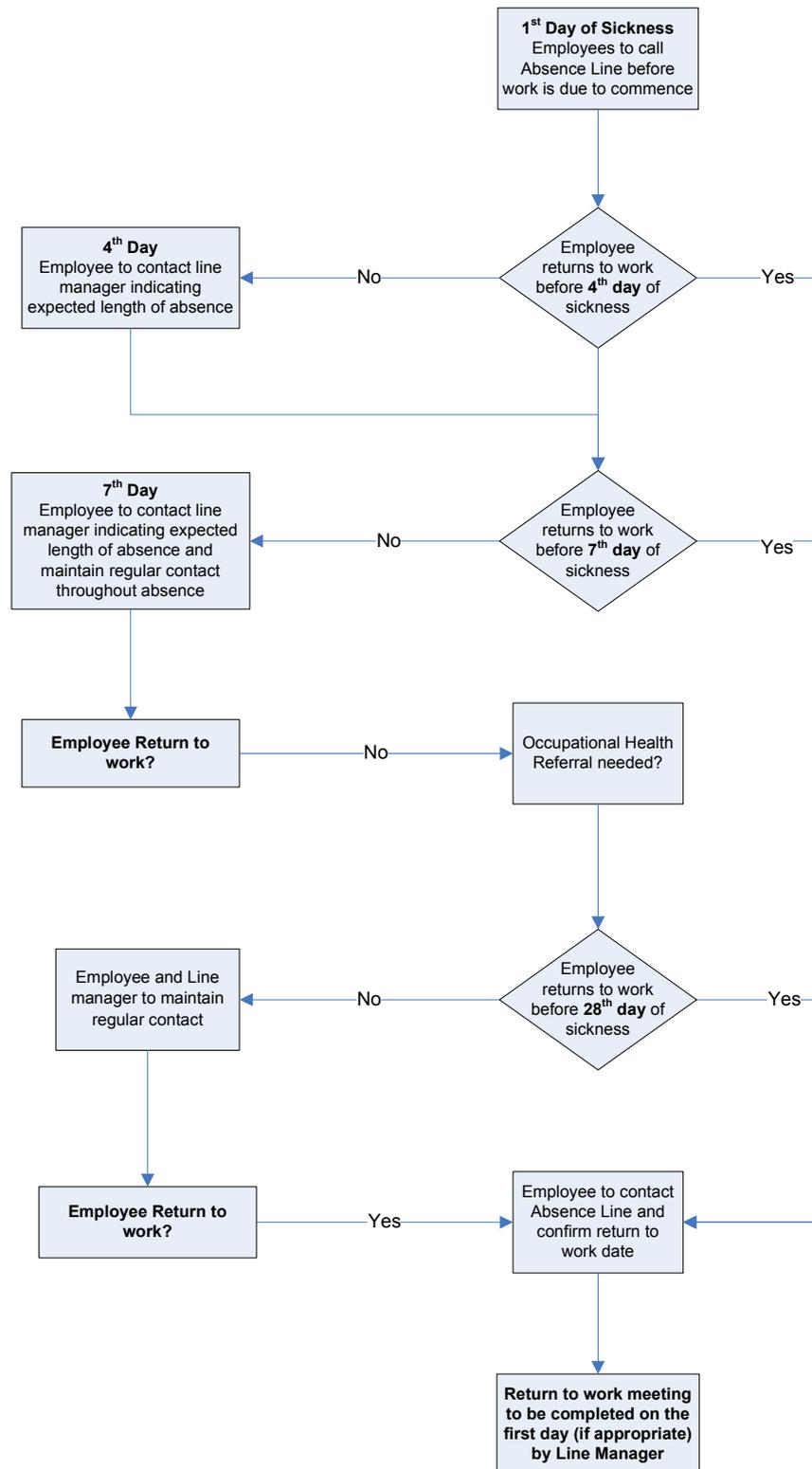
- 34.1. Where it is normally recommended by the Council's Occupational Health Adviser, consideration will be given to allowing an employee to return to work on a part-time basis/full-time basis but temporarily undertaking alternative duties etc. Any such arrangement will be implemented through consultation with the employee and occupational health. A phased return will normally be implemented for no more than 4 weeks though consideration will be given to a longer period in exceptional circumstances.
- 34.2. Further information can be found in the Council's [Phased Return to Work Procedure](#)

35. Redeployment

- 35.1. Where in the opinion of the Council's Occupational Health advisers an employee is no longer fit to carry out the duties of his/her post, the possibility of offering the employee an alternative post will be investigated before a decision is reached to terminate the employee's employment.
- 35.2. The ability to redeploy an employee will depend on the availability of suitable vacancies at that time within, or out with, the employing service. The search for alternative employment in these circumstances will normally be undertaken for no more than 3 months after which the employee's contract of employment will be terminated. The Council will not create a new or special job for the employee concerned.
- 35.3. Where an alternative post has been identified the employee will be offered the post on the particular terms and conditions that apply to it. No protection of the employee's existing contractual terms will apply. Offers of alternative employment will normally include the provision of a trial period.

- 35.4. Further information can be found in the Council's [Redeployment Procedure for Medical Reasons](#)
- 35.5. If an employee refuses to accept an offer of alternative employment that is considered to be reasonable in all the circumstances, the reasons for the refusal will be discussed with the employee and his/her representative, if any. Where the employing service is satisfied the offer is reasonable but the employee still refuses to accept it, the Service will have no option but to dismiss the employee. If, however, the Council accepts the employee has valid reasons, the Council shall seek to identify another alternative post within the agreed timescale. Where no alternative employment can be found, employment will be terminated.

Appendix 1 – The Council’s Notification and Certification of Sickness Absence Procedure



- Where the employee’s fourth or seventh day of sickness absence falls on a non working day or over the weekend, then the employee must get in contact with their manager on their next working day to provide an update.
- Where the absence is for seven days or less, and is not a result of an accident at work, the employee shall, on return to work, complete a “self-certificate” form.
- If the employee continues to be absent for more than seven consecutive days they must obtain a **Statement of Fitness for Work (Fit Note)** from their GP

**Appendix 2 – Sample Letter: Employee has failed to comply with the Council’s
Notification and Certification Procedure**

Dear.....

Failure to comply with notification of absence reporting requirements

I am writing following your recent absence of, it has been recorded that you failed to comply with Council Policy on the notification of your absence.

Please find attached copy of the relevant Council Policy for your information. Failure to comply with this policy may result in non payment of sick pay and in some cases disciplinary action.

A copy of this letter will be held on your HR file and may be used as evidence in the formal.

Yours sincerely

(Insert name)
(Insert job title)

A copy of this letter should be given to your departmental HR section for placing in the employee’s file.

Appendix 3 – Sample script for Maintaining Contact with Employees who are Absent

- a) Hi (employee name). How are you feeling?
- b) Have you been to see your doctor/consultant?
- c) Did they offer any advice on your condition?
- d) Is there any forthcoming treatment?
- e) Did they recommend a timeframe that they think you will be back to work?
- f) Discuss what has happened at work whilst the employee has been absent.
(Where the employee has been absent long term this could include changes in staffing, systems, equipment, procedures, policies etc).
- g) Is there any support the council can provide to assist your recovery?
- h) If appropriate: I would like to refer you to the OHP for advice.
- i) Thanks, best wishes with your recovery

Appendix 4 – The Return to Work Process

The 7 Stages of the Return to Work (RTW) Process:

The RTW process actually starts as soon as the employee has gone off sick:

- 1) Notification – first day contact, source of absence, expected duration, etc
- 2) Maintaining contact – by phone, home visit

Note: If employee is absent with Stress after 1 week's absence, advise them that that an OHP appointment will normally be made to identify what we can do to help them get back to work - contact HR for advice.

- 3) Providing appropriate assistance – occupational health/counselling, work adjustment, redeployment, etc
- 4) Planning the RTW, taking into account of adjustments where appropriate
- 5) RTW meeting – mandatory for every period of absence, irrespective of duration of time off
- 6) Monitor progress after RTW
- 7) Any further action required, including Absence Review Meetings

Return To Work Meetings (RTWM)

- Are mandatory – they show that the employer cares about staff and have noticed absence, they are being measured and will shortly be reported on
- Clarify reason(s) for absence and ensure notification and certification procedures have been followed
- Assist the rehabilitation/re-introduction of the employee back to the workplace
- Are recorded and provide an excellent foundation for any future discussions/ meetings, if required, in relation to attendance management issues relating to individual employees

Return To Work Meetings (RTWM) Checklist

- Arrange a time and private location for the RTWM, ideally on first day of RTW (*ideally face to face, but by telephone if this is not possible*)
- Ensure that you have a copy of the employee's attendance record, any other information such as occupational health reports, details of visits/telephone discussions while employee was off sick. Have copies available for employee also
- Prepare a structure for your meeting
- Do you require further information or assistance? e.g. from Human Resources

Structure of Return to Work Meetings (RTWM)

WARM

- **W**elcome – Welcome the employee back. Get off to a positive start and never make assumptions. Let the employee know their absence was noticed.
- **A**bsence – Discuss the current reason for absence as well as how much they have had in the last year.
- **R**esponsibility – Employees need to see that if their absence is becoming an issue they require to take responsibility for trying to improve their attendance although if there is anything reasonably practicable the Council can do to help or support them we will do so.
- **M**ove on – Summarise what has been agreed at the meeting and if possible end on an upbeat note. Agree a way forward by discussing where you go from here.

Appendix 6 – Sample Questions RTWM: Short term absence

For Short Term Absence (less than 4 weeks):

Some Hints On Types Of Phrases To Use At Return To Work Meetings. (Please note that some of them may not be appropriate, depending on the circumstances of the particular absence)

Welcome – summarise the structure of the meeting

Absence

- What was wrong? (*Health/Domestic/Relationship/Other issues*)
- Do you know what might be causing your absence?
- Did you see a doctor?
- How are you feeling now?

Responsibility

- Do you appreciate the impact of your absence on the service/other staff?
- Tell me how you feel work is going at the moment
- Is there anything at work which could be having an adverse effect upon your attendance?
- Is there anything that could be changed at work to help you?
- Is everything OK at home?
- Is there anything that you or the Council could do to keep you in better health?
- What can we do to help?
- Can you explain why your absence followed refusal of that day being granted as a holiday?
- Why is your repeated short term absence so high?

Move On

- So you feel the problem has been your health/domestic/relationships/other
- You have also suggested could be a solution
- If, together, we can find a way to achieve this do you agree we could resolve the problem?

Appendix 7 – Sample Questions RTWM: Long term absence

For Long Term Absence (4 weeks or more):

Some Hints On Types Of Phrases To Use At Return To Work Meetings. (Please note that some of them may not be appropriate, depending on the circumstances of the particular absence)

Welcome – summarise the structure of the meeting

Absence

- How are you feeling now?
- Referring to the OHP report, how do you feel about its recommendations?
- Have you concerns that any aspects of your work are causing you problems

Responsibility

- Is there anything that could be changed at work to help you?
- Is there anything that you or the Council could do to keep you in better health?
- What can we do to help?
- Have you any other concerns regarding your return to work?
- You have also suggested could be a solution”
- Get back in touch if you feel there is any change needed to the adjustments/phased return to work...

Appendix 8 - Checklist for Conducting Initial Absence Meetings

- Ensure that you have a copy of the employee's attendance record card and, where applicable, you are in receipt of any other advice such as recommendations made by an Occupational Health Physician.
- Consider the employee's length of service, previous absence record/capability/disciplinary issues
- Consider if the pattern of absence is regular or unusual
- Arrange a time and private location for the meeting
- Prepare the structure for your meeting including your introduction
- Do you require any further information or assistance?

Appendix 9 - Sample Structures for Initial Absence Meetings

Initial Absence Meeting:

- a) Explain the purpose of the meeting
- b) Discuss the employee's absence record
- c) Agree the initial objective that attendance must be improved
- d) Ask the employee for their suggestions for improvement
- e) Agree a plan of action, with timescales for this improvement
 - Agree action
 - Agree attendance target
 - Set date and venue for follow-up meeting
- f) Complete all appropriate documentation including the Return to Work/Initial Absence Meeting/Follow-up Meeting Record Form, and write to the employee confirming what has been agreed.

Follow-up Meeting and Formal Absence Meetings

As above but you should also advise the employee of the consequences of not meeting the agreed improvement target. If after the review meeting, the employee's attendance remains a cause for concern, the matter may be dealt with under the Council's disciplinary procedure.

Appendix 10 – Absence Review Meeting Sample Questions

The following questions are examples only and line managers are required to exercise discretion. Not all of the questions will be appropriate for all meetings, and will need to be varied depending on individual circumstances. Further advice and assistance is available from your departmental HR section.

a) **Introduction** e.g.

“You will be aware of the Council’s Maximising Attendance Policy and Procedures, as part of which I would like to discuss your absence with you”.

b) **Health Issues** e.g.

“Is there anything about your work which could be having an adverse effect on your general health?”

“Is there anything that you or the Council could do to keep you in better health?”

“What do you feel about this OHP report?”

(Where issues are raised, the line manager has an obligation to take them forward)

c) **Domestic Worries** e.g.

“Is everything OK at home?”

“How do you feel your situation is going to affect your work?”

“What can we do to help?”

d) **Work Relationships** e.g.

“Is everything OK at work?”

“How could this be improved?”

(Where issues are raised, the line manager has an obligation to take them forward)

e) **Summarise**

“So you feel the problem has been your health/domestic/relationships/other”

“You have also suggested could be a solution”

“If, together, we can find a way to achieve this do you agree we could resolve the problem?”

Appendix 11 – Example Absence Review Meeting Letter

Dear

Absence Review Meeting

I am writing to confirm the outcome of the meeting I held with you on at The purpose of the meeting was to discuss with you my concerns relating to your levels of sickness absence. (*Optional: Also present at this meeting was*)

I explained that the reason for my concern was that you have had days/instances of absence during the past months. As you are aware, we have met on occasions prior to this meeting, at return to work meetings, where we have discussed your sickness absence levels.

We agreed that the following measures would be put in place (*Include reference to agreed recommendations and actions recorded on Return to Work/Absence Review/Follow-up Meeting Record Form*).

If you continue to experience problems that affect your attendance record it is important that you discuss these with me, so that we can determine whether any further support could be made available to you.

I hope the measures we have agreed will help you improve your attendance. As agreed, I will meet with you again on at to assess the situation.

I hope this clarifies the points we discussed and that there is a significant and sustained improvement in your attendance level.

Yours sincerely

(Insert name)

(Insert job title)

A copy of this letter should be given to your departmental HR section for placing in the employee's file.

Appendix 12 – Example Follow-up Meeting letter

Dear

Absence Review Follow-up Meeting

I am writing to confirm the outcome of the follow-up absence review meeting I held with you on at The purpose of the meeting was to review your attendance since our discussion on (date of absence review meeting).
(Optional: Also present were

(Option 1)

I am pleased to note that following our meeting on (date of absence review meeting) you have met the agreed improvement target, and your attendance is now satisfactory. I hope you can continue to maintain this improvement.

Or (Option 2)

Unfortunately you have not met the agreed improvement target having had (days/instances) of absence since (date of absence meeting). At the follow-up meeting we discussed the reasons for this absence. Your response was We also discussed whether there was any additional support that could be provided to you such as

At the follow-up meeting we agreed that (include details of new improvement target and timescale).

I reiterated that it was important that if you continue to experience problems that impact upon your attendance record you discuss these with me so that we can determine whether any further support could be made available to you.

I hope the measures we have agreed will help you improve your attendance. However, if there is an insufficient improvement in your attendance levels during the next months I will arrange to meet with you again to review the situation. If, after the review meeting, your attendance remains a cause for concern, the matter may be dealt with under the Council's Disciplinary Procedures and appropriate action may be taken.

I hope this clarifies the points we discussed, and that there is a significant and sustained improvement in your attendance level.

Yours sincerely

(Insert name)

(Insert job title)

A copy of this letter should be given to your departmental HR section for placing in the employee's file.

Appendix 13 – Example Second Absence Review Meeting Letter

Dear

Second Absence Review Meeting

I am writing to confirm the outcome of the Second Absence Review Meeting I held with you on at The purpose of the meeting was to discuss with you my concerns relating to your levels of sickness absence. (*Optional: Also present at this meeting were*)

I explained that the reason for my concern was that you have haddays/instances of absence during the pastmonths. We have discussed your absence at meetings on (date of 1st absence review meeting), (date of follow-up meeting), and during return to work meetings.

At the Second Absence Review Meeting on (date of 2nd Absence Review Meeting) we discussed further your sickness absence levels and reasons for your absence. Your response was We also discussed whether there was any additional support that could be provided to you such as

We agreed the following measures would be put in place (*Include reference to support measures agreed and targets set, with timescales*).

I reiterated that it was important that if you continue to experience problems that impact upon your attendance record you discuss these with me so that we can determine whether any further support could be made available to you.

I hope that the measures we have agreed will help you improve your attendance. However, if there is an insufficient improvement in your attendance levels during the next months the matter may be dealt with under the Council's Disciplinary Procedures, and appropriate action may be taken.

I hope that this clarifies the points we discussed, and that there is a significant, and sustained, improvement in your attendance level.

Yours sincerely

(*Insert name*)
(*Insert job title*)

A copy of this letter should be given to your departmental HR section for placing in the employee's file.

Appendix 14 – Management of Long term sickness absence and procedure to be followed where termination of employment due to medical reasons is being considered.

Purpose

To manage long term sickness absence to termination where appropriate

Background

The procedure will be implemented (typically) when an employee has been on long term sick leave for a period of eight/nine months (trigger point). It is assumed that up until this trigger point the employee will have been managed under the Council's Attendance Management Procedures e.g. home visits, meetings and telephone conversations with the Line Manager and will normally have been seen by the Council's Occupational Health Physician.

Key Principles

The employer must act consistently and respect the dignity of the employee. To achieve this, the employer must conduct a proper investigation and observe three key principles:

- a) Consultation with the employee.
- b) The use of relevant up to date medical information.
- c) Where appropriate consider the use of alternative employment.

In the event of the employee being dismissed, failure to demonstrate compliance with any of the above principles will almost certainly be considered unfair dismissal.

Procedure to be followed where it is considered that it might be necessary to dismiss an employee on the grounds of ill health

1. Employee absent on sick leave for eight/nine months:

Manager to request standard letter from HR to issue to employee to arrange a meeting regarding long term sickness absence.

2. Meeting between Employee & Manager:

Employee should be advised that he/she will again be referred to the Council's Occupational Health Physician for the purpose of obtaining an up to date report on him/her and that in particular the Occupational Health Physician will be asked to provide advice on the following matters:-

- Whether the employee is likely to be able to return to work and if so by what date or within what time scale.
- Where the Occupational Health Physician advises that the employee will be able to return to work whether he/she will be fit on his/her return to carry out the normal duties of his/her post and if not should redeployment to another post be considered and if so what type of work can be performed by the employee.
- Is an ill health retirement appropriate?

3. Record of Meeting

A note of the matters discussed and those present at the meeting should be prepared and retained in the employee's file. Line Manager to consult with HR and request a standard letter to employee confirming details of meeting.

4. Occupational Health Appointment

HR to arrange an appointment with the Council's Occupational Health Physician with a specific request that he/she address the points listed in number 2 above and confirm the prognosis.

5. On receipt of Occupational Health Report

HR will discuss with Line Manager the recommendations made by the Council's Occupational Health Physician. Line Manager will then advise HR to issue a standard letter arranging a meeting with the employee to discuss the contents of the Council's Occupational Health Physician's Report, a copy of which should be enclosed with the letter to the employee.

6. If Employee Returning to Work/ill Health Retiral/Redeployment

Appropriate discussions to take place between HR and Line Manager and any actions required implemented – e.g. Council's Redeployment Procedure. The employee should be consulted and kept advised of progress throughout.

7. Where Dismissal is being considered

At the meeting referred to in number 5 above, where appropriate, the employee should be advised that the Council, having regard to the terms of the Council's Occupational Health Physician's Report, is considering taking steps to terminate his/her employment and that the matter will be considered in detail at a meeting to be fixed at a later date of which notice will be given. The employee should be advised that he/she may wish to take advice relative to his/her position, obtain, if appropriate, his/her own medical report for submission to the Council for consideration and be given the opportunity to comment on the terms of the Council's Occupational Health Physician's Report and the recommendations contained therein.

A note of the matters discussed and those present at the meeting should be prepared and retained in the employee's file.

Line Manager will consult with HR and request a standard letter to the employee to confirm the record of the meeting referred to in number 5 above and to advise of a further meeting, the matters to be discussed and the possible implications thereof for the employee relative to his/her employment, their right to representation if they choose, their right to lead evidence and/or produce documents or reports and make submissions or requests.

Meeting

The chair will consider the matter in detail and in particular will have regard to the terms of all reports available including reports prepared by the Council's Occupational Health Physician and any reports submitted by or on behalf of the employee. The chair will also consider operational/service delivery implications and in particular will consider the views of and any suggestion made by or on behalf of the employee.

The chair will thereafter take a decision on the matter which will be communicated to the employee advising him/her of his/her right to appeal the decision. A note of the matters discussed and those present at the meeting should be prepared and retained in the employee's file. The chair will consult with HR and request a standard letter to the employee to confirm the record of the meeting and the decision taken by the chair and advising him/her of their right to appeal the decision. (If the employee is advised of the decision verbally at the conclusion of the meeting, he/she should be advised of his/her right to appeal and that the decision will be confirmed in writing.

General

The employee should always be given fair notice of the Council's position and the implications for the employee, any meeting to be arranged and the matters to be discussed thereat. He/she should be advised of his/her right to lead evidence and /or produce documents in support of his/her position, and to question any witnesses, his/her right to be represented throughout particularly at meetings and his/her right of appeal against any decision taken relative to his/her employment.

Advice should be obtained prior to any decision being taken as to whether the employee could be considered as disabled in terms of the Disability Discrimination Act and/or the Equality Act.

A note containing details of those present and the matters discussed at all meetings held should be prepared and retained in the employee's file.

HR will provide all standard letters relating to this process, ensuring consistency and accuracy.

All letters must include specific details of reasons for meetings and state, where appropriate, that there is a possibility that the employee's contract of employment could be terminated on medical grounds.

HR will advise/attend meetings with Line Managers/Employees throughout the process.

Appendix 15 - Call to Case Review Meeting

Dear

SICKNESS ABSENCE

I refer to our meeting on.... at which the terms of the medical report on you dated prepared by Dr, following his/her assessment of you, were discussed. We also discussed your continuing absence from work which commenced on..... and I advised you that this is causing operational difficulties for the Council in terms of service delivery.

As you are aware Dr..... is of the opinion that you are permanently unfit to carry out the duties of your post/you will be unlikely or unable to make a sustained return to work until..... (*delete as appropriate, if known state return date or timescale for return, if OHP is unable to provide a return date or time scale this should be stated*). In these circumstances we would ask you to attend a Case Review meeting on..... at (*venue for meeting dependant on the employee's ability to travel etc*).

The reason for the meeting is to discuss the situation in detail and in particular to obtain a note of your views on the terms of Dr..... report on you, consider any information or reports you would wish to produce and for you to advise us what duties you consider you are or will be able to perform and within what timescale. At the abovementioned meeting you will also be given the opportunity to suggest any adjustments which could be made relative to your duties or work procedures and/or what further support could be provided by the Council to assist your return to work. If you have not already done so, you may wish to obtain advice as to your position at this time. I should also indicate that at the abovementioned meeting you may be accompanied and/or represented by your Trade Union representative or other person of your choice.

The above mentioned meeting will be chaired by..... who, in deciding the best way forward, will consider the entire situation and in particular the impact of your condition on your ability to perform the duties of your post, service delivery issues, (the actions taken or proposed by the Council to date) and the information and timescale provided to the Council relative to your ability to make a sustained return to work. The Council will give careful and sympathetic consideration to all reasonable requests and proposals made by you or on your behalf but you should be aware that an outcome of the abovementioned meeting could be that your employment with the Council is terminated. At the abovementioned meeting you and/or your representative will have the opportunity of making a full statement of your position including the right to produce and refer to documents and/or reports, call witness, question any witness in attendance and make proposals and submissions relative to the situation.

Should these arrangements be unsuitable to you and/or your representative, please let me know as soon as possible in order that alternative arrangements may be made. The meeting will normally be rescheduled to a mutually suitable date within five working days of the proposed date. In certain circumstances, if you are unable

to attend a meeting, you may have your representative attend in your place or, alternatively, the matter may be dealt with on the basis of written submissions.

I should be grateful if you would confirm receipt of this letter and advise me whether you intend to be represented at the abovementioned meeting and if so the name of your representative. Please note it is your responsibility to arrange representation and also to produce any document and/or report that you would wish to refer to. You should also advise me of any special arrangements (e.g. access arrangements) required.

In the meantime, if you have any further information, please do not hesitate to contact me.

Yours sincerely

(Insert name)

(Insert job title)

A copy of this letter should be given to your departmental HR section for placing in the employee's file.

Appendix 16 - Outcome of Case Review Meeting

Dear

SICKNESS ABSENCE

I refer to our Case Review meeting on..... (*date*) concerning your absence from work since (*date*) due to illness. You were represented by (*name of representative*) and (*HR representative*), HR Officer was also in attendance.

As you are aware, we also met with you on (*provide dates of earlier meetings*) when the situation was discussed. You were warned on (*date of warning*) that the Council might require to consider terminating your employment due to your long term absence from work. You were also assessed by Dr (*name of Doctor*), Occupational Health Physician on (*date*) and I confirm that you have a copy of Dr (*name of Doctor*) report. As you are aware Dr (*name of Doctor*) is of the opinion (*provide details of the Doctor's opinion*).

At the meeting on (*date*) the situation was fully discussed as were the terms of the report(s) provided by Dr (*insert name of OHP*) (and) (*insert name of author of any report produced by the employee*). I have carefully considered matters and also have taken fully into account the submissions made by you/on your behalf but regret to advise you that I have decided that, in the circumstances, the Council has no alternative but to terminate your employment with effect from (*date*) on the grounds of (*state grounds*).

The Council will make a payment to you in lieu of your period of notice of (*state length of notice period*) and also a payment in lieu of any accrued but undertaken statutory holiday entitlement for the (*current*) holiday year. All benefits under your contract will therefore come to an end on (*date of termination*).

You have the right to appeal against the decision to terminate your employment. If you wish to appeal, you must do so in writing to (*name of person, job designation*) within 10 working days of receiving this letter, stating the grounds for your appeal.

Yours sincerely

(Insert name)

(Insert job title)

A copy of this letter should be given to your departmental HR section for placing in the employee's file.

Appendix 17 - Call to Appeal Meeting

Dear

SICKNESS ABSENCE

I refer to your letter dated appealing against your dismissal from your employment with the Council on the grounds of

I would advise you that your appeal will be heard by on at You will be given the opportunity to fully state your position relative to your appeal including the right call witnesses, question any witnesses in attendance and to produce and refer to documents and/or reports. You may, if you wish, be represented by your trade union representative or other person of your choice. Please note that it is your responsibility to arrange for representation and also to produce any documents and/or reports that you would wish to refer to.

I should be grateful if you would confirm receipt of this letter and advise me of the name of your representative, if any. You should also advise me of any special arrangements required (e.g. special access arrangements).

Should these arrangements be unsuitable to you and/or your representative, please let me know as soon as possible in order that alternative arrangements may be made. The appeal hearing will be rescheduled to a mutually suitable date within five working days of the proposed date. In certain circumstances, if you are unable to attend the hearing of your appeal, you may have your representative attend in your place or alternatively the matter may be dealt with on the basis of written submissions.

Yours sincerely

(Insert name)

(Insert job title)

A copy of this letter should be given to your departmental HR section for placing in the employee's file.