

Policy name	<b>Attendance and Wellbeing Policy</b>
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This policy has been authorised by (SRO)	Policy Forum – March 2022
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## **Summary**

1. The UK Statistics Authority (including Office for National Statistics and Office for Statistics Regulation) recognises that good management can lead to good health, wellbeing, and improved performance. This policy aims to support employee wellbeing, and support managers to manage attendance effectively, either whilst working in the office or at home; encouraging employees to work with their manager to achieve and/or maintain a satisfactory level of attendance.

## **Scope**

2. This policy applies to all employees including those on fixed term appointments. Employees on probation will be managed appropriately using the Probation Procedure. Employees who are on loan to the Department and on secondment out of the Department are also included in the scope of the policy. It does not apply to agency workers or contractors. The policy will be monitored to ensure continued compliance with the Equality Act 2010.

## **Introduction**

3. We understand that people will occasionally be unwell and respect that employees will need to be absent when they are not well enough to work. However, high levels of sickness absence make it difficult to deliver our services and meet our business priorities and can increase the burden on other employees who provide cover for the absences. In line with all large organisations, we have developed this policy and procedure to manage sickness absence.
4. The Attendance and Wellbeing Policy aims to reduce sickness absence by, wherever possible, helping to prevent health problems occurring in the first place by proactively promoting health and wellbeing, and early intervention.

We want to create and maintain a culture that promotes and supports the physical and mental health of employees, in which managers can hold productive conversations with employees to find the best ways to support them and make early interventions.

5. Managers will support employees to stay in work by helping them when they experience ill-health, or to return to work as soon as possible following a period of sickness absence (whether at home or in the office). During continuous sickness absence, the manager and employee will hold supportive review meetings to keep in touch and identify any help needed to enable the employee to return to work as soon as they are well enough.
6. Where a manager is concerned about levels of sickness absence, they will provide support and take steps to improve attendance, which may include informal or formal action. Managers may use Written Improvement Warnings to address attendance, but they will consider all the circumstances of the case before taking formal action.

### **Principles**

7. The following principles and aims underpin the Attendance and Wellbeing policy and procedure:
  - generally, working is good for physical and mental health and wellbeing
  - we aim to reduce the number of working days lost and the impact this has on the business and other employees by focusing on prevention and early intervention
  - we will promote physical and mental health and wellbeing for all employees in-line with our Health and Wellbeing Strategy by making the management of health and wellbeing part of our daily routine
  - managers should consider the wellbeing of the individual when making decisions. They should also role model behaviours that contribute to an environment which promotes wellbeing in the workplace
  - attendance will be managed fairly and effectively in a clear and transparent way when a trigger point is reached
  - Managers will use discretion, considering the circumstances of all absences, including disability and long-term health conditions, whilst being sympathetic to those with little control of their treatment regime, taking action when there are concerns about health and wellbeing.
  - Managers should take appropriate occupational health advice when managing attendance under the policy.
  - Dismissal will only be considered as a final option where the level of sickness absence cannot be sustained, and appropriate medical advice will be sought to inform any decision.

### **Hybrid Working**

8. There should be regular check in conversations to support communication when working in a hybrid setting to address any concerns or issues early.

9. Colleagues should not be encouraged to work through their illness at home if they are too sick to do so. However, working from home may be an appropriate option in some circumstances, or be implemented as a workplace adjustment. Such arrangements should be at the request or joint agreement of the employee.
10. Working hours should always be aligned to the principles of our Flexible Working Framework and arrangements jointly discussed to ensure that there is no detrimental impact on individual wellbeing including mental health and stress.
11. Colleagues who are not fit for work on a day that they would usually be working from home should inform/telephone their manager on the first day of their sickness absence or in advance of their shift. Managers should ensure that sick leave is recorded in a consistent way for all team members.
12. Where formal meetings are required, the attendees should jointly agree arrangements to allow the meeting to go ahead. Meetings can be held in person, remotely, or as a combination of the two providing that they are conducted in a private, appropriate space. Where meetings are being held remotely attendees should have access to a good internet connection to minimise interruptions and the employee should be comfortable with their companion having a virtual presence. It is reasonable that these meetings are held via Microsoft Teams.
13. It is essential that remote arrangements should not adversely affect the usual thoroughness of a formal attendance management meeting. Cases should not be progressed virtually where there is any doubt around the fairness of doing so or where one of the parties asks for the meeting to be held face-to-face.
14. A companion may be a work colleague or trade union representative. Provision must be made for the individual and their companion to be able to confer privately during the meeting as appropriate. This may be done by parties leaving the Teams meeting and re-joining at an agreed time or by using the 'break out rooms' facility.
15. Virtual formal attendance management meetings must not be recorded electronically unless this is agreed with all the parties. However, a note taker should provide a written record which should be kept in the usual way.

## **Procedures**

### **Introduction**

16. Managers should consult Employment Relations (by raising a service desk call) for advice on the application of this procedure, particularly in cases of continuous absence and/or where the trigger point is reached.
17. Guides linked throughout this procedure are a useful source of information which will support managers in managing attendance issues but are not a mandatory requirement.

### **Roles and Responsibilities**

#### **N.B. Please note reference to 'work' applies to office or whilst working from home**

18. Managers should:
  - include wellbeing conversations as part of their regular check-ins with their employees, focusing on managing health and wellbeing at work.
  - act early to address health issues which may affect attendance or performance.
  - support employees by helping them to continue to work when they experience ill-health or return to work, as soon as possible following a period of sickness absence.
  - consider the most appropriate form of attendance management with all employees who reach a Trigger Point.
  - seek advice and guidance where appropriate from Employment Relations.
19. Employees should:
  - attend work unless they are not well enough to do so and return to work as soon as they are able.
  - take steps to positively manage and maintain their own health and wellbeing.
  - talk to their manager as soon as they experience any health issues which might affect their attendance or performance.
  - know what standard of attendance is expected of them and the implications if they reach or exceed a trigger point.
  - work proactively with their manager to look for ways of continuing to work or returning to work as soon as possible following a period of absence.

### **Managing Health and Wellbeing at Work**

20. The ONS recognises that everyday pressures in our work and personal lives will contribute to our general state of wellbeing and be factors in our fitness for work.
21. It is important that general wellbeing discussions form part of the regular check-ins between managers and employees to help minimise the impact of ill-health or personal circumstances on attendance or performance. Managers

should work with the employee to adopt a preventative and proactive approach to health, helping them to manage their attendance at work referring to the [Managing Health and Wellbeing at Work toolkit](#) for further information. Managers should also refer to the [My Performance Framework](#) for further information about performance conversations.

22. Informal wellbeing discussions should focus on trying to help the employee remain in work considering adjustments where appropriate. The employee should have the opportunity to discuss any issues which they feel are affecting or might affect their attendance and jointly consider whether Occupational Health advice is needed. If the manager decides to keep a brief note of the discussion a copy should be provided to the employee.

### **Workplace Adjustments**

23. Workplace adjustments are used to remove barriers, or a disadvantage, for people with a disability. A workplace adjustment could be a change to a policy, working arrangement or providing equipment. Many adjustments don't require a physical change.
24. Employers are required under the Equality Act 2010 to make reasonable adjustments to enable employees with disabilities to attend work and carry out their roles effectively. In addition to adjustments that employers are legally obliged to make, it is good practice to consider all requests for adjustments. This includes adjustments which could positively impact the engagement, productivity and morale of employees who do not have a disability. For this reason, we refer to workplace adjustments as the steps taken to remove, to reduce or to prevent the obstacles faced by all employees.
25. If an adjustment is made, it may not be effective indefinitely. Adjustments should be regularly reviewed to ensure they continue to be effective or to identify whether further adjustments are needed. It is recommended that adjustments are recorded on a [Workplace Adjustment Passport](#) which is available in the [Workplace Adjustment Guidance](#). The purpose of the Workplace Adjustment Passport is to capture all agreed workplace adjustment requirements (physical and non-physical). This minimises the need to renegotiate workplace adjustments every time an employee moves post/moves between departments or is assigned a new line manager.
26. Further guidance on workplace adjustments can be found in the [Managing Health and Wellbeing at Work Toolkit](#).

### **Disability Special Leave**

27. Disability Special Leave is a form of paid leave to enable employees with disabilities who are likely to be covered under the Equality Act 2010 to undertake assessment, treatment, or rehabilitation. It is usually for a fixed period, or periods, that can be planned in by the individual and their line manager and will be subject to review. Examples of circumstances when

disability leave might be granted can be found in the [Leave Framework](#). The examples given are intended to be illustrative only and are not prescriptive or exhaustive. Each case is unique and will differ according to the nature of the person's disability and the circumstances.

Disability Special Leave is recorded separately to sickness absence and does not count towards Attendance Management or sick pay calculations. Further guidance on Disability Special Leave can be found in the [Managing Health and Wellbeing at Work Toolkit](#).

## **Mental Health and Stress**

28. Mental health relates to an individual's emotional, psychological, and social wellbeing. Stress is the adverse reaction people have due to excessive pressure or other types of demand placed on them. When a person suffers from mental ill health this can be caused by several factors, such as stress or a diagnosed mental health condition.
29. Managers and employees should be aware of the early warning signs of stress and take early action to consider the possible causes via a stress risk assessment. Further guidance on Stress Management can be found in the [Managing Health and Wellbeing at Work Toolkit](#) and [Stress Policy](#).
30. The Cross Government Mental Health Network and Civil Service Employee Policy have produced a helpful [guide](#) to equip managers with the tools to recognise and support employees experiencing mental health concerns/difficulty. Managers should remember that if they feel it is appropriate, they should discuss the situation with the employee and seek appropriate expert advice to help support the employee.
31. ONS provides advice and support to managers and employees via the Employment Relations team, Mental Health Allies, Occupational Health, and the Employee Assistance Programme. Additional information can be found within the [Mental Health Intranet pages](#), and Supporting Attendance Toolkit.

## **Occupational Health**

32. ONS works with an independent, external occupational health provider who is able to provide specialist advice on health problems which can affect the employee's ability to do their job effectively. A referral to Occupational Health is a supportive measure designed to support both the manager and the employee in positively managing health problems which impact on attendance or performance.
33. A manager can make a referral to Occupational Health at any time if they are concerned that the employee's health is affecting their attendance or performance. They do not have to wait until the employee has reached the Trigger Point or until they are absent from work before seeking advice. Further guidance can be found within [the Managing Health and Wellbeing at Work Toolkit](#).

34. Before raising a referral, the manager should explain the reasons for the referral and how this will support the management of their health and wellbeing. If the employee does not wish to be referred, the manager should decide what action to take, based on the information available without a referral being raised.

## **Absence from work**

### **Notification of absence**

35. If an employee is unfit to work, they should report their absence to their manager on the first day of their sickness absence or in advance of their shift.
36. Messages or emails should only be used if the manager is not available, or a telephone call is not possible. In these circumstances the manager should make a follow up call to the employee.
37. During the initial conversation the manager will need to gather information about the absence and agree keeping in touch arrangements which will vary depending on the length and nature of the absence. An optional [first call checklist](#) may be used to guide the conversation and record key actions.
38. Following the initial contact with the employee, the manager must record the absence on Fusion. The manager should also plan to discuss:
  - A referral to Occupational Health; it is recommended that early action is taken where the sickness absence is due to stress, mental health, or a musculoskeletal condition
  - An individual stress risk assessment if the reason for the sickness absence is stress-related.

### **Unauthorised absence**

39. If the employee does not present for work and does not make contact with the manager on the first day of their sickness absence, or in advance of their shift, the line manager should try to get in touch using the most appropriate means. This may mean trying to make contact with the employee via telephone, or an alternative email address. If the manager is still unable to contact the employee, they should contact Employment Relations for guidance on unauthorised absences which may result in contacting the next of kin.

### **Certifying the absence**

40. Absence of 8 calendar days or more must be certified by a Fit Note. This should be submitted as soon as possible following the return to work or sent to the manager during longer periods of sickness absence. A copy of the Fit Note must be uploaded to Fusion and the original returned to the employee.



41. Employees should be aware that failure to make contact and/or provide a Fit Note will be considered as unauthorised absence which may result in disciplinary action and/or action to stop pay.

### **Continuous absence**

42. A continuous period of sickness absence is one which reaches 14 consecutive calendar days. It is sometimes referred to as “long term.”
43. Managers should put keeping in touch arrangements in place to allow the help and support required to return to work as soon as possible. The frequency and method of keeping in touch will be jointly agreed however the manager will also be expected to put informal review meetings in place where absence exceeds 28 calendar days.
44. The informal review is a supportive meeting to discuss progress towards a return work and explore any help needed to facilitate this when the employee is well enough. The review does not constitute a formal meeting; however, employees may be accompanied by a trade union representative or colleague should they wish. The employee should advise their manager in advance of the meeting if they intend to be accompanied.

### **Informal Review meetings**

45. The first informal review should be held at, or shortly after 28 calendar days of absence. Where an employee is unfit to attend at the time of the review this should be reasonably postponed, and Occupational Health advice requested. A second informal review should be arranged when the absence has reached three months, and quarterly thereafter. These reviews should be held in addition to any general keeping in touch arrangements, except where these may coincide.
46. It is recommended that the manager raises a call to Employment Relations for advice and support when managing continuous absence.
47. The manager should invite the employee to the meeting using [Model letter 1: Invitation – continuous absence review](#). During the review meeting the manager should:
  - ask the employee how they are feeling and where they are in their recovery
  - bring the employee up-to-date with any key developments in their work area and/or the organisation.
  - discuss referring to Occupational Health if this has not already happened
  - discuss any medical advice, for example from the GP, consultant, or Occupational Health
  - consider whether there may be an underlying disability and if any workplace adjustments may be appropriate
  - ask the employee when they think they may be able to return to work and what support they need to achieve this

The manager should write to the employee following each informal review to confirm the discussion using [Model Letter 3: Outcome – Continuous absence](#). and any agreed actions.

48. Where previous reviews, keeping in touch conversations and/or Occupational health have not indicated a return to work within the foreseeable future the manager should hold a meeting to:
- fully explore any options to facilitate a return to work, including adjustments and redeployment under the managed move process where required on medical grounds
  - consider whether the business can continue supporting their absence
  - explain that their level of sickness absence cannot be supported
  - Consider points A and B below and **only proceed to point C once all options have been explored**
    - A there are no adjustments which may facilitate a return a work
    - B ill-health retirement is not appropriate or declined
    - C dismissal may be considered.

Where dismissal is being considered following this meeting, confirmation of the above points and the decision to refer must be provided in writing to the employee using [Model Letter 3: Outcome – Continuous absence](#).

Where the employee has not attended the scheduled informal review the decision to refer for consideration of dismissal in these circumstances can be made in their absence with advice from Employment Relations, using [Model Letter 4: Outcome – continuous absence non-attendance](#).

49. If a return to work is likely within a reasonable timescale and/or the business can continue to sustain the absence, the manager should continue with the keeping in touch arrangements including planning for the next informal review.
50. If a return to work is not likely within a reasonable timescale and the business cannot continue to sustain the absence, the manager must have explored with the employee whether they are likely to meet the criteria for Ill-Health Retirement or whether dismissal is appropriate. The manager should raise a call to Employment Relations if they have not already done so.

### **Ill-Health Retirement**

51. An employee can apply for Ill-Health Retirement if a breakdown in their health prevents them from carrying out their duties and there is advice from Occupational Health that this should be considered. The employee should talk to their manager if they want to apply for voluntary Ill-Health Retirement. The manager should ensure that the employee is aware of the Ill-Health Retirement process and signpost the relevant information.

52. If an application for ill-health retirement is made the manager must raise a call to Employment Relations. If the employee is unable to return to work and does not consent to an Ill Health Retirement application, then the manager should consider whether the absence can be sustained. All discussions involving Ill-Health retirement must be confirmed in writing to the employee.

## **Returning to work**

### **Return to work discussions**

53. The manager should hold a Return to Work Discussion as soon as possible following every period of sickness absence, however the conversation doesn't need to be formal.
54. The manager should prepare for the discussion by reviewing the employee's 12 month sickness absence record as well as any fit notes and/or Occupational Health advice.
55. In general, the discussion provides an opportunity for the manager to welcome the employee back and check that they are well enough to work. The employee should also use the discussion to update their manager of any important information and highlight any adjustments that may be helpful. An optional [guide](#) is available to inform and prepare for the conversation however a brief record should be kept in all circumstances where a [return to work plan](#) is developed.
56. Where a [return to work plan](#) is developed the manager and employee should also agree when on-going wellbeing check-ins will take place.
57. Where a trigger point has been reached, and the reason for the absence is not exempt from a written improvement warning, the manager should inform the employee that they will need to consider whether informal or formal attendance management is required.
58. Following the Return to Work Discussion, the manager must ensure they close the sickness absence on Fusion promptly and attach any relevant return to work documentation.
59. Where an employee returns to work on V-time or PTMG, attendance management should be actioned once the agreed period of adjusted hours has been concluded.

### **Returning on Variable Hours (V-Time)**

60. V-Time is a temporary reduction in working hours which is generally used by employees who, on return from a long sick absence, require a short period of adjustment before returning to their contracted hours.

61. An employee can request V-Time for a maximum of two weeks, which may be increased to three weeks in exceptional circumstances. Any request for V-Time must be agreed by the line manager.
62. V-time can be taken by reducing the number of hours worked per day or reducing the days worked per week. The pattern of hours to be worked must be discussed and agreed with the line manager as part of the return to work plan. A flexi credit, or equivalent, will be recorded to make up any hours not worked.
63. The manager should ensure the sickness absence is closed on Fusion and follow the [guidance](#) for recording V-Time. At the end of the agreed period the employee will return to their normal working pattern.

### **Returning on Part Time Medical Grounds (PTMG)**

64. Returning to work Part-Time on Medical Grounds (PTMG) is a formal arrangement to help the employee return to work gradually, usually after a long or severe illness. The employee returns to work for some of their usual working hours and the remainder are recorded as sickness absence. The number of hours worked will increase over a period of time (usually a maximum of 13 weeks) until the employee resumes their normal working pattern. Advice is required from a fit note or Occupational Health.
65. The periods of sickness absence agreed as part of the PTMG arrangement will be subject to the usual rules on sick pay but will not count towards the Trigger Point or any formal action for unsatisfactory attendance. Any period of sickness absence taken during the agreed hours when the employee should be at work, will count towards the Trigger Point.
66. The manager should ensure the sickness absence is closed on Fusion and follow the [guidance](#) for recording PTMG.

### **Attendance Management**

#### **Trigger Points**

67. Attendance management is required where an employee's sickness absence level reaches 10 working days or 7 instances (pro-rated for employees who do not work every day of the normal working week. [Guidance](#) is available on calculating pro-rata trigger points) of sickness absence in a rolling 12 month period. This is called the Trigger Point. The rolling 12 month period is the 12 months up to the last day of the most recent sickness absence.
68. The employee may reach the Trigger Point by taking frequent, short term sickness absences or a continuous spell of sickness absence. Part-day sickness absences count towards the Trigger Point, including Trigger Points during the Improvement and Sustained Improvement Periods.

69. The following absence reasons do not count towards the calculation of the trigger point for attendance management and must not result in a written improvement warning:
- Pregnancy related sickness absence
  - Absence due to transitioning or intersex status. (Managers and employees should refer to the [Gender Identity and Transitioning at Work policy](#) for further advice and support)
70. Where absence reasons are exempt from trigger point calculations or written improvement warnings the manager should still discuss any necessary adjustments or support in order to facilitate a successful and sustained return to work.

### **Informal attendance support plan**

71. Where an employee reaches a trigger point the manager should use an informal attendance support plan as an alternative to formal attendance management, providing there has been no informal support plan within the previous 12 months. The manager may raise a call to Employment Relations for advice when implementing the informal attendance support plan.
72. Following the return to work the manager should meet face to face. If a face to face meeting cannot be held it can be agreed virtually via Teams, (please see paragraph 3/4 for further information) with the employee to inform them that they will be implementing an informal attendance support plan for a period of 3 months. The informal attendance support plan is aimed at encouraging wellbeing conversations following a period of sickness absence and to put support in place to help the employee remain in work where they are well enough to do so. Informal attendance meetings do not constitute a formal meeting; however, employees may be accompanied by a trade union representative or colleague should they wish. The employee should advise their manager in advance of the meeting if they intend to be accompanied.
73. The manager and employee should work together to identify and record the attendance standards and support required and put in place regular wellbeing check-ins. Managers must record the details of the discussion on the [informal attendance support plan](#) and record the informal attendance support plan period on Fusion.
74. If attendance is satisfactory during the period of the informal attendance support plan the manager should confirm with the employee that the need for the informal attendance support plan has concluded. The trigger point for any future attendance management will be calculated by considering absence in a rolling 12-month period since the implementation of the informal support plan.
75. If attendance is unsatisfactory during the period of the informal attendance support plan the manager should inform the employee that their absence will now be considered via the formal attendance management process.

## **Formal Attendance Management**

76. If the sickness absence level reaches the Trigger Point, and informal management is not appropriate or has not achieved an improvement in attendance, the manager is required to consider whether or not to take formal action. A decision on whether or not to take formal action must be made following a Formal Attendance Meeting.

### Formal Attendance Management Meeting

77. The manager must invite the employee in writing to attend a formal attendance management meeting, using [Model letter 5: Invitation – Formal Attendance Meeting \(First Warning\)](#), providing at least 5 working days' notice of the meeting. An employee can bring a colleague or trade union representative to all formal meetings. Where the meeting will involve a consideration of dismissal the manager must follow the process within the considering dismissal section.
78. A Formal attendance management meeting includes the following decision points:
- No warning
  - First Written Improvement Warning
  - Final Written Improvement Warning: when the employee reaches or exceeds their Trigger Point following a first Written Improvement Warning
  - Consideration of dismissal when the employee reaches or exceeds their Trigger Point following a final Written Improvement Warning and/or when a continuous sickness absence can no longer be supported.

The employee has the right of appeal at each decision point where a formal sanction is imposed.

### Written Improvement Warnings

79. The improvement warning is meant to remind the employee of the attendance standard expected.
80. When deciding whether to issue a written improvement warning the manager should consider the wellbeing of the individual and the following general circumstances:
- The nature of the absence
  - Whether workplace adjustments have been considered and put in place where possible
  - Whether the absence demonstrates a pattern within the employee's absence history.
  - The reason for absence is not related to pregnancy or transitioning and does not fall into the categories exempt from written warnings.

[Additional guidance](#) is available to help work through the decision-making process.

81. The following absence reasons are exempt from written improvement warnings under formal attendance management:
- If the sickness absence is due to an injury sustained, or disease contracted, in the course of the employee's duties. The employee may be able to claim injury benefit. If injury benefit is awarded, the Department must provide up to a maximum of six months' injury absence on full pay before normal sick pay arrangements are applied. Any subsequent sickness absence should be treated in the same way as other sickness absences.
  - where the employee was absent because they were assaulted either in the course of duty, or for a reason clearly connected with duty
  - if the absence is due to injury caused by the negligence of the Crown. An appropriate share of the absence can reckon towards the trigger points and lead to a warning if the employee's negligence contributed to the injury
  - for any period of absence for which the employee repays an advance of salary made by the department under section 9.6.3.c of the Management Code.
82. Where the manager decides to use their discretion not to give a formal Written Improvement Warning it is expected that a period of informal monitoring will be implemented.
83. Managers should provide the outcome of the formal meeting in writing using the relevant [template letter](#). and must record the outcome on Fusion.

#### Improvement and Sustained Improvement Periods

84. A Written Improvement Warning is followed by an Improvement Period during which the employee should aim to meet the attendance standard expected of them. The Improvement Period lasts for 3 months but can be for to up to 6 months, if appropriate.
85. The manager should inform the employee of the attendance standard they are expected to meet during the Improvement Period. This will be a proportion of their normal Trigger Point. For example, during a 3 month Improvement Period, this will be 25% of their Trigger Point. Only the pro-rated days should be included during the improvement period.

#### Attendance is satisfactory at the end of the Improvement Period

86. If attendance is satisfactory on completion of the Improvement Period, the manager should arrange a formal meeting with the employee, using [Model](#)

[letter 8: Invitation - attendance is satisfactory following an improvement period](#) to tell them they have met the attendance standard expected of them.

87. During the meeting the manager should:

- acknowledge that the employee's attendance has improved
- inform the employee they are expected to sustain the improvement for 12 months. The Sustained Improvement Period starts immediately following the end of the Improvement Period
- tell the employee their attendance will be unsatisfactory if their absence level reaches or exceeds their normal Trigger Point
- explain to the employee that absences are monitored during the Sustained Improvement Period over a rolling 12 month period. Any absences during the Improvement Period will be included but not absences taken before the Written Improvement Warning was given.

The outcome of the meeting should be confirmed using [Model letter 9: Outcome– attendance is satisfactory following Improvement Period](#).

#### Attendance remains satisfactory at the end of the Sustained Improvement Period

88. If the employee maintains a satisfactory level of attendance throughout the Sustained Improvement Period, the manager should confirm that the employee has met the attendance standard expected of them and inform the employee that formal action has now ended.

#### Attendance is unsatisfactory during the Improvement Period or Sustained Improvement Period

89. If attendance is unsatisfactory during the Improvement Period or Sustained Improvement Period, formal action may progress. The manager does not need to wait until the employee has completed the Improvement Period or Sustained Improvement Period before taking formal action.

90. The manager should arrange a Formal Attendance Meeting with the employee using the appropriate [Model letter 10: Invitation - attendance unsatisfactory during First Written Warning](#) to tell them they have not met the attendance standard expected of them.

91. If the employee does not meet the attendance level expected of them following a Final Written Improvement Warning managers should refer to the process for considering dismissal.

92. During the meeting the manager should:

- tell the employee that their attendance has been unsatisfactory during the Improvement Period or Sustained Improvement Period
- give the employee the opportunity to present any new information



- consider whether, in light of all the available evidence, formal action moves to the next decision point.
93. After the meeting the manager should inform the employee in writing of their decision, using the appropriate template outcome letter to either:
- move to the next decision point of formal action ([Model letter 12: Outcome - Final Written Improvement Warning](#)) or
  - take no further action at this point, in which case their Improvement Period or Sustained Improvement Period continues to its original end date ([Model letter 11: Outcome – no Final Written Improvement Warning](#)).

### **Considering dismissal**

94. Dismissal should be considered when the attendance procedure has been followed and:
- attendance has not improved to a satisfactory level following a final Written Improvement Warning ([Model letter 13: Referral to Decision Manager following breach of Final Written Warning](#)) or
  - they do not expect an employee who is on a period of continuous absence to return to work within a reasonable timeframe ([Model letter 3: Outcome – Continuous absence](#)).
  - where the employee is absent for a reason related to disability, the department has explored all options to make workplace adjustments which would enable an employee to return to work, including redeployment under the managed moves process where required on medical grounds.

In any circumstances where dismissal is a possible outcome, managers must consult fully with Employment Relations.

95. Decisions on dismissal are taken by the manager providing they are at least one grade higher than the employee and must be Grade 7 or above. Where the manager does not meet the level required to consider dismissal, they should gather all the information relevant to the absence and complete an Attendance Management Report and pass to the Decision Manager.
96. Relevant information for the Attendance Management Report may include:
- Details of absence records
  - Copies of outcome letters including written improvement warnings
  - Up to date medical advice including Occupational Health or confirmation of why this is not available (such as consent not received)
  - Summary of adjustments made
  - Confirmation that ill-health retirement has been declined or is not appropriate
  - Impact of the absence on the business

- Attendance and Wellbeing Policy
97. The Decision Manager should conduct a formal meeting with the employee, giving at least 5 working days' notice, before making a decision about dismissal. When inviting the employee to attend the meeting the decision manager should provide copies of all relevant information under consideration and use [Model letter 14: Invitation – to consider dismissal](#). The decision manager will also need to invite the manager who referred the absence for consideration, an Employment Relations caseworker and a notetaker. The employee may be accompanied by a trade union representative or colleague.
98. When conducting the formal meeting, the manager or Decision Manager should:
- explain why they are considering dismissal, and
  - give the employee the opportunity to present any new information which might affect their decision.
- After the meeting the manager or Decision Manager should consider the information and make a decision.

#### Decision is no further action

99. If the manager or Decision Manager decides not to dismiss, the Attendance Management process must continue. This means that:
- the Improvement Period or Sustained Improvement Period will continue to the original end date.
  - Any additional absences may lead to dismissal being reconsidered.
  - reviews will continue during a period of continuous sickness absence.
  - The decision to dismiss may be reconsidered if the sickness absence can no longer be supported. In these circumstances a further formal attendance meeting will be arranged.

#### Decision is dismissal

100. The manager or Decision Manager should consider dismissal if **all** of the following apply:
- the business can no longer support the employee's level of sickness absence
  - where appropriate, there are no further reasonable adjustments which can be made which will help the employee return to satisfactory attendance
  - Occupational Health advice has been considered within the last 3 months, unless the employee refused and/ or failed to attend Occupational Health
  - an application for Ill-Health Retirement would not be appropriate, has been refused or declined by the employee.

101. Ideally the decision should be communicated in person either on the day the decision is made or at a reconvened meeting. If the employee is not available to meet in person to receive the decision the decision manager must take all reasonable steps to ensure that the employee is available to receive the written notification of dismissal. This will include confirming availability with the employee, checking for any absence in the near future, or making alternative arrangements to communicate the decision.
102. If a decision is taken to dismiss, the manager or Decision Manager should consider whether compensation is appropriate, depending on Pension Scheme criteria. HR Directors must authorise the final inefficiency compensation payment.

### Following the decision

103. After making their decision, the manager or Decision Manager will:
  - make a full written record of the discussion and the outcome using either [Model letter 15: Outcome - Absence level can continue to be supported](#) or [Model letter 16: Outcome](#) – dismissal, including the reasons for the decision.
  - write to the employee within 5 working days of the meeting to advise them of the decision taken and the reasons for it, including a summary of the key points from the meeting.
  - If the decision is to dismiss, the letter should include the effective date of dismissal, details of the notice period and any compensation payment
  - tell the employee that they have a right to appeal against their dismissal within 10 working days of receiving the letter
  - inform the employee of their right of appeal to Civil Service Appeal Board regarding the amount of compensation paid on dismissal on inefficiency grounds for unsatisfactory attendance
  - send a copy of the letter and the completed Compensation Certificate to MyCSP if the decision is to dismiss
  - update the employee's absence record on Fusion

Support for decision managers is available from Employment Relations when completing outcome letters.

### Appeals

104. There is one right of appeal at each formal decision point in the Attendance Management procedure.
105. The employee has 10 working days from the date of receipt of the decision to submit their appeal to the Appeal Manager. The appeal should clearly state the grounds for the employee's appeal and their desired outcome.
106. An appeal would normally fall within three grounds:

- a procedural error has occurred, and/or
- the decision is not supported by the information/evidence available to the manager or Decision Manager, and/or
- new information/evidence has become available which should be taken into account when reaching a decision about dismissal.

107. The written appeal must:

- Make clear the grounds for the appeal and include all relevant new information or supporting evidence
- Clearly state the desired outcome from the appeal

Where the grounds of appeal are unclear the appeal manager may ask for clarification prior to proceeding with arrangements for the appeal meeting.

108. Employees may not raise a grievance where a right of appeal exists under this or any other departmental procedure which is able to address the issues raised.

109. Appeals should be heard by an Appeal Manager who is:

- at least one grade higher than the manager who made the original decision
- independent of the original process
- has no vested interest in the outcome of the appeal

The appeal manager would not normally be from within the same line management chain.

It is important that matters are dealt with fairly, impartially, and objectively. If the employee has a genuine and reasonable concern about the integrity or impartiality of the appeal manager, they should raise this with their representative, Employment Relations, or their Divisional Director. Every effort should be made to allay their concerns, but this does not mean they may choose who deals with the matter.

110. The appeal process should be held in a timely manner and should continue in parallel with, and not delay, any ongoing action under the Attendance Management procedure, including the start of any notice period. The Appeal Manager's decision is final.

### Appeal Meeting

111. The Appeal Manager should conduct a formal meeting with the employee before making a decision. When arranging the meeting, the Appeal Manager provide at least 5 days' notice of the meeting and confirm the right to be accompanied by a trade union representative or colleague using [Model letter 17: Invitation - appeal meeting](#) and provide copies of any documentation under consideration. The Appeal Manager should also arrange for the original

decision manager to attend the meeting, a note taker, and an Employment Relations caseworker where appropriate.

112. Before the meeting the Appeal Manager should make all efforts to ensure they are satisfied that they understand the decision reached. The Appeal Manager should:
- check they have all the papers relating to the decision, this should include but is not limited to the timeline of events, occupational health reports, information surrounding reasonable adjustments, copy of the outcome letter and other relevant information
  - check that the procedure has been followed correctly
  - ensure they understand the grounds of appeal, and fully consider all the points raised by the employee in their appeal
  - consider the original decision and any new evidence provided by the employee
  - discuss and raise any questions on the policy and process with an Employment Relations caseworker
113. An appeal hearing should be conducted as a full re-hearing of the case. In some cases (but only where dismissal is **not** being considered), depending on the grounds of appeal, the Appeal Manager may restrict their consideration to a review of specific appeal matters, such as whether the original decision was made in accordance with the procedure.
114. Following the meeting, the Appeal Manager should decide whether to uphold the appeal. They should write to the employee notifying them of their decision within 5 working days of the meeting using [Model letter 18: Outcome - Appeal decision](#), as well as informing the line manager of the appeal outcome and any recommended actions where appropriate. The line manager should update Fusion with the appeal manager's name, date of appeal and outcome.
115. The decision letter should include:
- whether or not the appeal is upheld or rejected and the reasons for this decision.
  - any recommended actions such as, further attendance reviews/meetings with the employee and reasonable adjustments.

### **Other things to consider**

#### **Part-day absences**

116. A part-day sickness absence is where an employee attends work for part of the day before going home due to illness or injury. Part-day sickness absences are treated differently for sick pay and Attendance Management purposes.

117. Where an employee attends work and carries out any of their work at all, this will count as a full day of attendance for sick pay purposes and will not count towards any calculations for half or nil sick pay.
118. For Attendance Management purposes, where an employee works for:
- one hour or less; this will count as one day's sickness absence and will count towards the Trigger Point for formal action. Managers will have to update Fusion with 1 days' absence.
  - more than one hour but less than half of their daily contracted hours; this will count as a half-day sickness absence towards the Trigger Point for formal action. Managers will have to update Fusion with ½ days' absence. Managers will have discretion to apply a time credit for the remainder of the half day (usually the remainder of the morning) where more than one hour has been worked. Managers will have to update Fusion with ½ days' absence (usually the afternoon).
  - more than half of their daily contracted hours; this should be treated as a full day's attendance and not recorded as a sickness absence. Therefore, it will not count towards the Trigger Point for formal action. As this shall be treated as a full day's attendance, no time credits will be given where more than half a day has been worked.
  - Where there are concerns about a pattern of part day absence, particularly during periods of informal or formal absence management, the manager should discuss with the employee to put appropriate measures in place.

N.B. For interviewer grades working in International Passenger Survey or Telephone Operations, half of daily contracted hours should be considered as half of the actual scheduled shift rather than a daily amount derived from an average calculation. For the Field Interviewer Force an average calculation will apply.

#### Sickness absence during annual leave

119. If an employee is ill whilst on annual leave, they can choose whether to have the days which they are unwell treated as annual leave or sickness absence. The [Leave Framework](#) provides further information on annual leave and sickness absence.
120. If an employee chooses to have them treated as sickness absence, they should follow the normal rules on notifying their manager of their sickness absence, keeping in touch, and providing medical evidence. Annual leave cannot be converted to sickness absence retrospectively.
121. Exceptionally, the employee may be unable to notify their manager on the first day they are unwell, for example if they are abroad and in a remote area. The employee must obtain documentary evidence of their incapacity from a local medical practitioner and submit this to their manager on their return. A 'Fit

Note' supplied retrospectively cannot be accepted as proof of incapacity whilst abroad.

122. If sickness absence is taken instead of annual leave, no deduction should be made from the employee's annual leave entitlement for the period covered by medical evidence. This means the annual leave can be taken at another time.

#### Annual leave during sickness absence

123. An employee can take annual leave during a period of sickness absence. They should submit their request for annual leave to their manager, in advance, in the normal way.
124. This means an employee will receive full pay for any periods of annual leave regardless of their entitlement to sick pay. *The line manager will be required to raise a Service Desk call to notify Shared Business Services to arrange payment for the annual leave*
125. The annual leave does not break the total length of the sickness absence. The annual leave and sickness absence will run concurrently, and the period of sickness absence will count towards the Trigger Point level and for half/nil sick pay calculations.

#### Linking periods of continuous sickness absence

126. Two periods of continuous sickness absence can be linked and treated as a single absence. This allows the manager to continue the attendance monitoring action from the point they had previously reached. This would only happen if:
- the sickness absences are for different, unrelated reasons but the gap between the sickness absences is 2 weeks or less (unless the absence was due to a particularly long or serious illness in which case the gap could be up to 2 months); or
  - the sickness absence is for the same reason. The manager should consider how long the employee was back at work relative to the length of the absence; or where two, or more, absences result from the same treatment plan but with delays due to NHS capacity then they should be linked together. For example, absences due to a biopsy and the subsequent surgery, irrespective of the time between events.
  - the employee returns to work Part-Time on Medical Grounds and is unable to sustain the increase in their hours and is absent due to sickness again.

#### Confidentiality

127. Sickness absence records are confidential and should only be viewed by, or communicated to, other managers or Occupational Health providers and in

accordance with departmental data protection policies. Disciplinary action may be taken for any inappropriate handling or processing of personal data.

### Retention of documents

128. When keeping records relating to an employee's health, the manager should follow the Departmental records management guidelines.

### Other health-related absences

129. Employees may occasionally need to take time off from work to deal with health-related issues. For example:
- to attend doctors/dentists/hospital appointments/vaccines
  - to receive treatment locally, for example kidney dialysis, infertility treatment
  - rehabilitation after an injury, for example physiotherapy, hydrotherapy
  - where the employee has medical advice that they should refrain from work following contact with a notifiable communicable disease.
  - appointments due to transitioning or intersex status (managers and employees should refer to the [Gender Identity and transitioning at work policy](#) for further advice and support.
130. Where possible, employees should attend appointments in their own time (please note the availability of the wider flexi bandwidths). If they are unable to do so, they should try to minimise any disruption to the business, for example by attending appointments at the beginning or end of the day. The employee should give their manager as much notice as possible of the appointment and provide evidence of their appointment time, if requested.
131. The manager can consider awarding disability special leave to enable qualifying employees to attend personal medical appointments where the employee has no flexibility about the timing. Paid time off or special leave should only be given where the employee would otherwise be fit to attend work. If the employee is unfit to attend work, the absence is recorded as sickness absence.

### Third Party Claims

132. In line with Chapter 9 of the Civil Service Management Code, employees should include an amount for loss of earnings where they make a claim for damages against a third party. Departments should provide an advance of salary where appropriate and require employees to repay proportionately the advance where the claim for damages is wholly or partly successful. Departments must also ensure that where all or part of the advance is repaid, a period representing the repaid advance does not reckon towards the trigger point of the departments or agency's sick absence scheme.



## **Attendance and Wellbeing Resources**

### **Template Letters (letters can be sent via email or posted if requested).**

- Model letter 1: Invitation – continuous absence review
- Model letter 2: Invitation – Continuous absence rearranged/ failure to attend
- Model letter 3: Outcome – Continuous absence
- Model letter 4: Outcome – continuous absence non-attendance
- Model letter 5: Invitation - Formal Attendance Meeting (First warning)
- Model letter 6: Outcome – informal action taken
- Model letter 7: Outcome – First Written Improvement Warning
- Model letter 8: Invitation - attendance is satisfactory following an improvement period.
- Model letter 9: Outcome– attendance is satisfactory following Improvement Period
- Model letter 10: Invitation - attendance unsatisfactory during First Written Warning
- Model letter 11: Outcome – no Final Written Improvement Warning
- Model letter 12: Outcome - Final Written Improvement Warning
- Model letter 13: Referral to Decision Manager following breach of Final Written Warning
- Model letter 14: Invitation - to consider dismissal
- Model letter 15: Outcome - Absence level can continue to be supported
- Model letter 16: Outcome – dismissal
- Model letter 17: Invitation - appeal meeting
- Model letter 18: Outcome - Appeal decision

### **Template Forms**

- First call checklist
- Attendance Management report
- Informal Attendance Management Template
- Return to work form

### **Additional Guidance**

- How to: hold a Return to Work Discussion
- Decision Making Top-Tips
- The 'Fit Note' – guidance for managers
- How to: calculate pro-rata trigger points
- Pregnancy-related sickness absence
- FUSION GUIDANCE - Record a Part Day Absence, Sickness Absence, Attendance warning, Part time on medical ground, runs a sick print.
- Sickness Absence - How to implement a period of variable time (V-Time) and part time on medical grounds (PTMG)
- [Continuous Absence Flowchart and Accessibility Version](#)
- [Short Term Absence Flowchart and Accessibility Version](#)
- [Health and Wellbeing Guidance](#)
- [Health Awareness Guidance](#)
- [Managing Health and Wellbeing at Work Toolkit](#)
- [Mental Health – A manager's guide](#)
- [Menopause Guidance](#)
- [Menopause Conversation Map](#)
- [Menstrual Health](#)
- [Business Disability forum](#)
- [Domestic Violence in the Leave Framework](#)

- [Gambling Support Resource](#)