



National Offender Management Service

ATTENDANCE MANAGEMENT POLICY

This instruction applies to:-		Reference:-
NOMS HQ Prisons Providers of Probation Services		AI 01/2017 PSI 01/2017 PI 01/2017
Issue Date	Effective Date <i>Implementation Date</i>	Expiry Date
5 January 2017	5 January 2017	N/A
Issued on the authority of	NOMS Agency Board	
For action by	<p>All staff responsible for the development and publication of policy and instructions</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> NOMS HQ <input checked="" type="checkbox"/> Public Sector Prisons <input type="checkbox"/> Contracted Prisons* <input checked="" type="checkbox"/> NOMS Immigration Removal Centres (IRC) <input checked="" type="checkbox"/> National Probation Service (NPS) <input type="checkbox"/> Community Rehabilitation Companies (CRCs) <input type="checkbox"/> Other Providers of Probation and Community Services <input checked="" type="checkbox"/> Governors <input checked="" type="checkbox"/> Heads of Groups <input type="checkbox"/> NOMS Rehabilitation Contract Services Team <p><i>* If this box is marked, then in this document the term Governor also applies to Directors of Contracted Prisons</i></p>	
Instruction type	HR function	
For information	All staff	
Provide a summary of the policy aim and the reason for its development / revision	<p>The Civil Service Employee Policy (CSEP) and procedure have been designed to encourage line managers and employees to take action when health and well-being are at risk and to support managers in managing attendance effectively by placing a greater emphasis on the line manager and employee working together to remove barriers to attendance at work, encouraging open and honest discussion between the line manager and employee about their attendance, promoting early intervention when health issues arise, prompting action when health and well-being are at risk or when absence levels are unsatisfactory, providing a clear understanding of individual roles and responsibilities and ensuring attendance is managed in a way which is fair and transparent.</p>	
Contact	Shared Services HR Contact Centre  0845 010 3504 (VPN 7190 3504)	
Associated documents	Guidance on undertaking all the requirements contained in this Instruction can be found on the My Services website.	
Replaces the following documents which are hereby cancelled : PSO 8404 Management of Attendance, PSI 01/2009 Management of Attendance, PI 37/2014 Management of Attendance.		

Audit/monitoring: Mandatory elements of instructions must be subject to management checks (and may be subject to self or peer audit by operational line management/HQ managers), as judged to be appropriate by the managers with responsibility for delivery. In addition, NOMS will have a corporate audit programme that will audit against mandatory requirements to an extent and at a frequency determined from time to time through the appropriate governance

Introduces amendments to the following documents: None

Notes: *All Mandatory Actions throughout this instruction are in italics and must be strictly adhered to.*

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1. Executive Summary

Background

- 1.1 Our staff play a critical role in NOMS delivering against its objectives and have an important role to play in preventing victims by changing lives. Getting the best out of individuals and managing them fairly, is now more important than ever. It is important that we help individuals feel engaged and motivated to deliver their best and provide support to help them continue to develop. This policy focuses on being clear, honest and fair with staff.
- 1.2 This Instruction replaces PSO 8404 Management of Attendance and PI 37/2014 Management of Attendance policies and provides improved guidance to line managers and staff about how an individual's absence can be managed appropriately and fairly. Individuals will be supported and managed sympathetically in order to return staff back to work as quickly as possible.

Policy Statement

- 1.3 Employees are responsible for managing their own attendance and are required to attend work unless they are unfit to do so. Good management can lead to good health, well-being and improved performance. This policy supports line managers in managing attendance effectively and encourages employees to work with their line manager to achieve and/or maintain a satisfactory level of attendance.

Attendance Management Policy Principles

- 1.4 The following principles and aims underpin the Attendance Management policy and procedure:
 - generally, being in work is good for physical and mental health and well-being;
 - NOMS is committed to promoting a culture of attendance where employees feel valued, supported and committed to the business and to their colleagues;
 - attendance will be managed fairly and effectively in a clear and transparent way. Action will be taken when health and well-being are at risk or when absence levels are unsatisfactory;
 - attendance discussions will focus on what the employee can do rather than what they cannot, enabling them wherever possible to remain at work instead of taking sickness absence;
 - NOMS is committed to reducing the number of working days lost through sickness absence and the impact this has on the business and other employees;
 - NOMS commitment to its employees is laid out in the [Employee Compact](#);
 - NOMS is committed to managing disability related absences fairly and transparently and in line with Equality Act 2010;
 - Staff subject to these procedures have the right to seek the assistance of their trade union representative.

Purpose

- 1.5 NOMS recognises the benefits of having a healthy and committed workforce whilst at the same time having a robust, clearly understood procedure for managing sickness absence. This policy outlines our approach to managing attendance.
- 1.6 NOMS understands that people will occasionally be unwell and respects that employees may need to be absent when they are not well enough to work. In line with all large organisations, NOMS has developed a policy and procedure for managing sickness

absences. This is because high levels of sickness absence make it difficult to deliver our services and meet our business priorities.

1.7 NOMS takes a work-focussed approach to help minimise the impact of ill-health on an employee's attendance, with a Wellbeing Strategy in place to support employee's mental and physical wellbeing. Being ill or injured does not always prevent an employee from getting to, or undertaking some, work. A work-focused approach involves:

- early intervention, including obtaining medical advice, to enable any help and support to be identified;
- a greater emphasis on the line manager and employee working together to remove barriers to work;
- implement reasonable adjustments.

See [How to adopt a work focussed approach](#) and [How to consider a reasonable adjustment](#) for further guidance.

Desired outcomes

1.8 The effective management of staff is a key means by which we deliver the work of the Service and clear guidance and support is available to staff to help them undertake their responsibilities effectively. This Instruction and the complementary guidance available on [My Services](#) are intended to provide a simple and clear explanation of the mandatory requirements of the service's Attendance Management process.

Application

1.9 This policy applies to all employees including HMPS Reserve staff, fixed term appointments and [staff on probation](#). Employees who are on loan to NOMS and on secondment out of NOMS are also included in the scope of the policy. It does not apply to agency workers or contractors. The policy complies with the Equality Act 2010.

Mandatory actions

- 1.10 *Governors/Head of Business Unit/Assistant Chief Officer/Local Delivery Unit Cluster Lead's must make sure that staff and line managers apply Attendance Management arrangements as set out in section 2 of this document.*
- 1.11 *All staff must be familiar with all sections of this Attendance Management policy and the accompanying guidance on [My Services](#).*
- 1.12 *Where levels of sick absence are causing concern line managers must refer to this policy and associated guidance on [My Services](#) in order to assist staff in addressing any health issues that may be affecting their attendance. In particular:*
- 1.13 *Line Managers must support employees in achieving a satisfactory level of attendance by helping them to remain at work, where possible, when they experience ill-health, or return to work as soon as possible following a period of sickness absence.*
- 1.14 *During continuous sickness absence, review meetings must take place to provide an opportunity for the employee and manager to identify any help needed to enable the employee to return to work as soon as they are well enough.*
- 1.15 *Where levels of sickness absence cause concern, line managers must take appropriate steps to improve attendance, which may include formal action. Line Managers will use Written Improvement Warnings to address unsatisfactory attendance.*

- 1.16 *Downgrade/regrade or dismissal must only be considered as a final option where the level of sickness absence cannot be supported.*

Resource Impact

- 1.17 There should be no additional resource implications resulting from this policy.

Advice and Guidance

- 1.18 Advice and Guidance on the application of this instruction is available from **Shared Services on 0845 010 3504.**

(Approved for Publication)

pp. Dave Mann
Deputy Director of Human Resources, NOMS

Martin Beecroft
Director of Human Resources, NOMS

2. ATTENDANCE MANAGEMENT PROCEDURE

Introduction

- 2.1 *This procedure must be used for managing sickness absence and unsatisfactory attendance.*
- 2.2 The Attendance Management procedure contains links to guidance for managers. These guides will support managers in managing attendance issues and are available [here](#).
- 2.3 A summary of this procedure can be found in the [process overview](#) at Annex A.

Roles and responsibilities

Line Managers

- 2.4 *Line managers must:*
- focus on early intervention and be proactive in addressing health issues which may affect attendance or performance;
 - support employees in achieving a satisfactory level of attendance 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;
 - hold a Formal [Unsatisfactory Attendance](#) Meeting with all employees who reach the Trigger Point and make a decision on whether to take formal action.

Employees

- 2.5 Employees are expected to:
- attend work unless they are not well enough to do so and return to work as soon as they are able;
 - talk to their manager at the earliest opportunity about any health issues which might affect their attendance or performance;
 - be aware of the standard of attendance expected of them i.e. their Trigger Point and the consequences if they reach or exceed it;
 - work with their line manager to achieve or maintain a satisfactory level of attendance. This means exploring ways to enable them to work when they experience ill-health or return to work as soon as possible following a period of sickness absence.

Managing health at work

- 2.6 Early intervention is important to minimise the impact of ill-health on attendance or performance.
- 2.7 The line manager and employee should work together. They should explore what the employee can do, or might be capable of doing with help and support, to continue to work or return to work whilst they recover. This is called a work-focussed approach – see [How to adopt a work focussed approach](#) for further guidance. This approach should also be adopted if an employee becomes ill at work.

Reasonable adjustments

- 2.8 A reasonable adjustment is a change to a physical feature, environment or the way things are done, such as a policy or procedure, to make sure that a person with a disability is not put at a substantial disadvantage compared to a non-disabled person. See [How to consider a reasonable adjustment](#) for further guidance.
- 2.9 *Line managers must make reasonable adjustments to enable an employee with a disability to attend work and carry out their role effectively.* See [Equal Treatment of Employees Policy](#) for further guidance.
- 2.10 *Any reasonable adjustments must be kept under review to ensure they continue to be effective or necessary, or to identify whether any further support is needed – see [How to consider a reasonable adjustment](#) for further guidance.*

Occupational Health

- 2.11 Occupational Health give specialist advice on preventing or resolving health problems which can affect the employee's ability to attend work or do their job effectively.
- 2.12 A referral to Occupational Health can be made at any time if the line manager or employee is concerned about the impact of the employee's health on their performance or attendance. They do not have to wait until the employee has reached the [Trigger Point](#) or until they are absent from work before seeking advice. See [Occupational Health Policy](#) for further guidance.
- 2.13 A referral to Occupational Health can be made at any time it is deemed reasonable to do so by local line management. *Line managers must make a decision about what action to take based on the information available and ensure it is evidenced.*

Employee absence

Notifying absence

- 2.14 *The employee must report their absence from work before their scheduled start time or, where this is not possible, as soon after as is practicable on the first day of their sickness absence in line with local absence recording procedures.* See [How to keep in touch with employees on sickness absence](#) for further guidance.
- 2.15 Other forms of contact to notify sickness absence should only be used if a telephone call is not possible. In these situations, the line manager should make a follow-up telephone call to the employee.
- 2.16 *The line manager must agree keep in touch arrangements with the employee during the initial conversation, or arrange alternative contact arrangements if the manager is unavailable - see [How to keep in touch with employees on sick absence](#).*
- 2.17 During the telephone call, the line manager and employee should adopt a work-focussed approach. There may be occasions, however, when this is not appropriate, for example if the employee is in hospital. In this case it should be delayed until a more appropriate stage in their recovery. See [How to adopt a work focussed approach](#) for further guidance.
- 2.18 *Following the initial contact with the employee, the line manager must:*

- record the sickness absence on Oracle by contacting your local Absence Contact Point. See [My Services](#) for further guidance.
- consider whether a referral to [Occupational Health](#) is appropriate. An early referral is strongly recommended if the sickness absence is due to stress or a musculoskeletal condition – see [How to support employees with musculoskeletal disorders](#) for further guidance.
- carry out an individual stress risk assessment if the reason for the sickness absence is stress-related - see [How to support employees who are experiencing stress at work](#) for further guidance.

Possible unauthorised absence

- 2.19 *If the employee does not attend work and does not make contact with the line manager, the line manager must try to get in touch using the most appropriate means. This may mean contacting their next of kin or visiting the employee at their home address. See [How to keep in touch with employees on sick absence](#) for further guidance.*
- 2.20 *If the line manager is still unable to contact the employee, they must follow the guidance on unauthorised absences. See [NOMS Absence Management Policy](#) or [NPS Absence Management Policy](#) for further guidance.*

Certifying the sickness absence

- 2.21 *The employee must complete a self-certificate for sickness absences of 7 calendar days or less, as soon as possible (after they return to work), unless a 'Fit Note' is provided from the start of the sickness absence. See [My Services](#) for further guidance on self certificate.*
- 2.22 *For sickness absences of 8 calendar days or more, the employee must provide a 'Fit Note'. This must be submitted as soon as possible following their return to work – See [How to understand and work with the Fit Note](#) for further guidance. During longer periods of sickness absence, the employee must send their line manager any 'Fit Notes' they receive during their sickness absence.*
- 2.23 *The line manager must send the self-certificate or 'Fit Note' to Shared Services to update the sickness absence record.*
- 2.24 Failure to provide a self-certificate or 'Fit Note' may result in disciplinary action and/or action to stop pay. See the [Conduct & Discipline policy](#) for further guidance.

During sickness absence

- 2.25 *The line manager must keep in touch with the employee, as agreed, during their sickness absence. See [How to keep in touch with employees on sickness absence](#) for further guidance.*
- 2.26 The line manager should adopt a work-focussed approach during all discussions with the employee throughout their sickness absence – see [How to adopt a work focussed approach](#) for further guidance.
- 2.27 *If the employee reaches or exceeds their Trigger Point during their sickness absence, the line manager must carry out a Formal Unsatisfactory Attendance Meeting when the employee returns to work. See [Managing Unsatisfactory Attendance](#). At this meeting all reasonable adjustments need to be discussed prior to any warnings being issued.*

2.28 *If the sickness absence reaches 14 consecutive calendar days, regardless of normal working patterns, the line manager must follow the guidance on continuous sickness absence. See [Continuous Absence](#).*

Part-day absences

2.29 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.

Sick pay

2.30 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.

Attendance Management

2.31 For Attendance Management purposes, where an employee works for:

- less than half of their daily contracted hours will count as a half-day sickness absence towards the Trigger Point for formal action;
- two half days or further multiples will be recorded as full sick days;
- a half day sickness period will be deemed to have lapsed after 12 months and will not count towards the Trigger Point for formal action;
- more than half of their daily contracted hours; this will 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.

Sickness absence during annual leave

2.32 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.

2.33 *If an employee chooses to have them treated as sickness absence, they must follow the normal rules on notifying their line manager of their sickness absence, keeping in touch and providing medical evidence. Annual leave cannot be converted to sickness absence retrospectively.*

2.34 Exceptionally, the employee may be unable to notify their line 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 line manager on their return.* A 'Fit Note' supplied retrospectively by an employee's own doctor cannot be accepted as proof of incapacity whilst abroad.

2.35 If sickness absence is taken instead of annual leave, no deduction will 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. See the [Annual Leave policy](#) or [NNC Handbook](#) for further guidance.

Annual leave during sickness absence

2.36 *An employee can take annual leave during a period of sickness absence. They must submit their request for annual leave to their line manager, in advance, in the normal way. See the [Annual Leave policy](#) or [NNC Handbook](#) for further guidance.*

- 2.37 This means an employee will receive full pay for any periods of annual leave regardless of their entitlement to sick pay.
- 2.38 The annual leave does not break the total length of the sickness absence which will be treated as one occasion for review purposes. The annual leave and sickness absence will run concurrently. Only the period of sickness absence will count towards the Trigger Point level and for half/nil sick pay calculations.

Returning to work

- 2.39 *The line manager must hold a Return to Work Discussion following every period of sickness absence, on the day the employee returns to work (or as soon as possible thereafter). The Return to Work Discussion should include a review of all sickness absences in the rolling 12 month period – see [How to hold a return work discussion](#) for further guidance.*
- 2.40 *Absences must be closed promptly when the employee returns to work and following the Return to Work Discussion, the line manager must ensure any relevant paperwork to be completed and sent to Shared Services. See [My Services](#) for further guidance.*
- 2.41 *If the employee has reached or exceeded their Trigger Point, their sickness absence level is considered to be unsatisfactory. The line manager must hold a Formal Unsatisfactory Attendance Meeting to decide whether to take formal action. See [Managing Unsatisfactory Attendance](#).*

Taking informal action

- 2.42 The line manager should consider taking informal action if the employee's sickness absence level gives cause for concern, for example the number of periods of absence or patterns of absence, but is below the Trigger Point. Informal action may include discussions about part-day sickness absences, a possible pattern of sickness absence or concerns that the employee's health is affecting, or might affect, their attendance – see [How to hold attendance support meetings](#) for further guidance.
- 2.43 Informal action should focus on trying to help the employee maintain a satisfactory level of attendance. The line manager should:
- tell the employee that they are concerned about their level of sickness absence and remind them of the attendance standard expected of them;
 - give the employee the opportunity to discuss any issues which they feel are affecting or might affect their attendance;
 - adopt a work-focussed approach to reduce the likelihood of further sickness absences;
 - consider whether Occupational Health advice is needed to understand the impact of the employee's health on their attendance.
- 2.44 *Line Managers must keep a brief note of the discussion.*

Managing unsatisfactory attendance

- 2.45 Attendance is unsatisfactory if an employee's sickness absence level reaches or exceeds 8 working days (less, pro-rata, for employees who do not work every day of the normal working week) or 4 spells 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.

- 2.46 The employee may reach or exceed the Trigger Point by taking frequent, short 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.
- 2.47 *If the sickness absence level reaches or exceeds the Trigger Point, the line manager must arrange a Formal Unsatisfactory Attendance Meeting when the employee returns to work and follow the procedure for managing unsatisfactory attendance.*
- 2.48 [Annex B](#) sets out all of the steps to follow when holding a formal meeting.

Written Improvement Warnings

- 2.49 *Where an employee's sickness absence level has reached or exceeded the Trigger Point managers must hold a Formal Unsatisfactory Attendance Meeting in order to make a decision on the next steps. Unless it is not appropriate to issue a warning (see Paragraphs 2.53-2.57), it is expected that a Written Improvement Warning will be given. In all cases the line manager must hold a Formal Unsatisfactory Attendance Meeting to discuss the case in detail before making a decision.*
- 2.50 The warning encourages an employee to improve their attendance levels and reminds them of the attendance standard expected of them. Line managers should work with the employee to identify any support which may be needed to help them achieve this.

Decision points during formal action for unsatisfactory attendance

- 2.51 Formal action for unsatisfactory attendance consists of the following decision points:
- First Written Improvement Warning
 - Final Written Improvement Warning; when the employee reaches or exceeds their Trigger Point following a first Written Improvement Warning – see [How to decide whether an absence can continue to be supported](#) for further guidance.
 - consideration of downgrade/regrade or dismissal; when the employee reaches or exceeds their Trigger Point following a Final Written Improvement Warning or when a continuous sickness absence can no longer be supported. See [Considering dismissal or downgrade/regrade](#).
- 2.52 The employee has the right of appeal at each decision point. See [Appeals](#).

When it is not appropriate for a Written Improvement Warning to be given

- 2.53 *If the sickness absence is pregnancy-related, a Written Improvement Warning must not be given. The line manager can tell the employee at the Return to Work Discussion they will not be given a warning. However, they should still meet with the employee to discuss ways of helping them meet the attendance standard expected of them – see [How to manage pregnancy related sickness absence](#) for further guidance.*
- 2.54 *A warning must not be given if the sickness absence is due to an injury or assault or disease contracted in the course of the employee's duties – see [How to support staff following an incident](#) for further guidance or visit NOMS-help.wellbeingzone.co.uk. The employee may be able to claim injury benefit – see [My Services](#) for further guidance. *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 will be treated in the same way as other sickness absences. See [Sick Leave Excusal arrangements](#) for further guidance.**

- 2.55 Disability related absences will count towards the trigger calculation, but managers will be able to use their discretion to decide whether to issue employees with a warning. *A manager must make sure that reasonable adjustments are considered, such as adjusting the trigger point, variations to working practices or providing specialist equipment for an employee covered by the disability provisions of the Equality Act 2010 to take into account absences that are directly related to that disability.* The trigger point may vary for disabled employees where a higher trigger point has been deemed a reasonable adjustment. Where employees exceed the adjusted trigger point warnings may be issued.

The manager must obtain advice from occupational health before making any decision on adjustments where occupational health has not previously confirmed the individual's condition is likely to be covered under the terms of the Equality Act 2010.

See [How to consider Reasonable Adjustments](#) for further guidance.

- 2.56 The line manager may use their discretion to decide not to give a Written Improvement Warning. For further guidance on using discretion to issue a warning see [My Services](#). The line manager should consider the circumstances of the absence and the employee's absence history. If they decide not to give a Written Improvement Warning, they should record their decision and the reasons for it.
- 2.57 Absences attributable to a successful 3rd party claim. A member of staff who takes sick leave as a result of an accident involving a third party – usually a road traffic accident – may have the sick leave resulting from the accident excused if a claim against the third party is successful and sick pay is repaid to NOMS by the third party. See the [Civil Service Management Code](#) and [Staff Handbook](#) for further guidance.

Improvement and Sustained Improvement Periods

- 2.58 *A Written Improvement Warning is followed by an Improvement Period during which the employee must aim to meet the attendance standard expected of them. The Improvement Period lasts for 3 months but can be extended to 6 months, if appropriate, for example if some absences occurred during the improvement period.*
- 2.59 *The line manager must 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. During a 3 month Improvement Period, this will be 25% of their Trigger Point (excluding spells).*

Attendance is satisfactory at the end of the Improvement Period

- 2.60 *If attendance is satisfactory on completion of the Improvement Period, the line manager must arrange a formal meeting with the employee to tell them they have met the attendance standard expected of them.*
- 2.61 [Annex B](#) sets out all of the steps to follow when holding a formal meeting.
- 2.62 *During the meeting the line manager must follow all the steps in Annex B and:*
- acknowledge that the employee's attendance has improved;
 - inform the employee they are now subject to a 12 month Sustained Improvement Period. The Sustained Improvement Period starts immediately following the end of the Improvement Period. The duration of an Improvement Period followed by a Sustained Improvement Period is between 15-18 months ;

- tell the employee they are expected to maintain a satisfactory level of attendance during the Sustained Improvement Period. 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.

Attendance remains satisfactory at the end of the Sustained Improvement Period

- 2.63 *If the employee maintains a satisfactory level of attendance throughout the Sustained Improvement Period, the line manager must arrange a formal meeting with the employee to tell them they have met the attendance standard expected of them.*
- 2.64 [Annex B](#) sets out all the steps to follow when holding a formal meeting.
- 2.65 *During the meeting the line manager must follow all the steps in [Annex B](#), acknowledge that the employee's attendance has improved and inform the employee that formal action has now ended.*

Attendance is unsatisfactory during the Improvement Period or Sustained Improvement Period

- 2.66 If attendance is unsatisfactory during the Improvement Period or Sustained Improvement Period, formal action may move on to the next decision point. The line manager does not need to wait until the employee has completed the Improvement Period or Sustained Improvement Period before taking formal action.
- 2.67 *The line manager must arrange a Formal Unsatisfactory Attendance Meeting with the employee to tell them they have not met the attendance standard expected of them.*
- 2.68 [Annex B](#) sets out all the steps to follow when holding a formal meeting.
- 2.69 *During the meeting the line manager must follow all the steps in [Annex B](#) and:*
- 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.
- 2.70 *After the meeting the line manager must inform the employee in writing of their decision to either:*
- move to the next decision point of formal action, or
 - extend the Improvement Period to 6 months, or
 - take no further action at this point, in which case their Improvement Period or Sustained Improvement Period continues to its original end date.
- 2.71 *If the employee does not meet the attendance level expected of them following a Final Written Improvement Warning, [downgrade/regrade or dismissal](#) must automatically be considered.*

Continuous absence

- 2.72 A continuous period of sickness absence is one which reaches 14 consecutive calendar days.

- 2.73 During any continuous sickness absence period, the line manager and employee should work together to explore what the employee can do, or might be capable of doing with help and support, to return to work as soon as they are able – see [How to hold a return work discussion](#) for further guidance.
- 2.74 *When an employee returns to work following a period of continuous sickness absence, the line manager must follow the procedure for managing unsatisfactory attendance. They must hold a Formal Unsatisfactory Attendance Meeting if the Trigger Point has been reached or exceeded.*

Meetings during continuous sickness absence

- 2.75 *There are two types of meeting which must take place between the line manager and the employee during a continuous sickness absence:*
- an informal review – to keep in touch with the employee and explore the support needed to help the employee return to work;
 - a Formal Attendance Review Meeting – to explore the support needed, but also to consider whether the employee is likely to return within a reasonable time frame, and therefore whether the business can continue to support the absence. This is a formal meeting where the employee has the right to be accompanied.
- 2.76 *These meetings must take place at the following points:*
- an informal review after 14 consecutive calendar days of sickness absence, and every month thereafter;
 - a Formal Attendance Review Meeting after 28 consecutive calendar days, another when the sickness absence has lasted 3 months, and every quarter thereafter. There is no need to hold an informal review in a month where a Formal Attendance Review Meeting is scheduled.

Informal reviews

- 2.77 *Informal reviews must take place during periods of continuous sickness absence, including any which are pregnancy-related. The first informal review should be carried out when a period of sickness absence reaches 14 continuous calendar days unless the employee is due to return to work in the next few days.*
- 2.78 Further informal reviews should then be held on a monthly basis. Exceptionally, the line manager and employee may agree that less frequent reviews are appropriate.
- 2.79 In a month where a Formal Attendance Review Meeting is required, usually every third month of the continuous absence period, there is no need to hold an informal review in addition.
- 2.80 It is important to continue with informal reviews on a monthly basis, in between Formal Attendance Review Meetings, as the purpose of the informal review is to keep in touch with the employee and establish whether there is any support which can be provided to help the employee return to work – see [How to keep in touch with employees on sickness absence](#) for further guidance.
- 2.81 During an informal review the line manager should:
- ask the employee how they are feeling and where they are in their recovery;

- discuss any medical advice, for example from the GP, consultant or Occupational Health;
- ask the employee when they think they may be able to return to work and what support they need to achieve this – see [How to adopt a work focussed approach](#) for further guidance;
- remind the employee of the attendance standard expected of them and inform them if they have exceeded their Trigger Point;
- bring the employee up-to-date with any key developments in their work area and/or the organisation.

2.82 *Following the review with the employee, the line manager must consider whether the sickness absence can continue to be supported, except when the sickness absence is pregnancy-related – see [How to manage pregnancy related sickness absence](#) for further guidance. If the line manager believes that the sickness absence cannot be supported, they will need to arrange a Formal Attendance Review Meeting.*

Formal Attendance Review Meeting

2.83 *The first Formal Attendance Review Meeting must take place when sickness absence reaches 28 consecutive calendar days, unless the employee is due to return to work in the next few days.*

2.84 *Further Formal Attendance Review Meetings must be held:*

- when an employee has been absent for 3 months and then every 3 months thereafter, as a minimum;
- if, following an informal review, a line manager considers an absence cannot continue to be supported – see [How to decide whether an absence can continue to be supported](#) for further guidance.

2.85 [Annex B](#) sets out all of the steps to follow when holding a formal meeting.

2.86 During the meeting the line manager should:

- ask the employee how they are feeling and where they are in their recovery;
- discuss any medical advice, for example from the GP, consultant or Occupational Health;
- ask the employee when they think they may be able to return to work and what support they need to achieve this – see [How to adopt a work focussed approach](#) for further guidance;
- remind the employee of the attendance standard expected of them and inform them if they have exceeded their Trigger Point;
- bring the employee up-to-date with any key developments in their work area and/or the organisation.
- discuss with the employee whether a return to work is likely within a reasonable timescale;
- consider whether the sickness absence can continue to be supported;
- explain that downgrade/regrade or dismissal may be considered if their level of sickness absence cannot be supported.

2.87 If a return to work is likely within a reasonable timescale and/or the absence can continue to be supported, the line manager should arrange an informal review with the employee to be held in a month's time.

2.88 If a return to work is not likely within a reasonable timescale and the absence cannot continue to be supported, consideration should be given as to whether the employee

should be referred for consideration for Ill-Health Retirement or whether downgrade/regrade or dismissal is appropriate. Further guidance on Ill-Health Retirement is available on [My Services](#).

Considering downgrade or regrade/dismissal

- 2.89 *Decisions on downgrade/regrade or dismissal are taken by the Governor in prisons, a Senior Manager in NOMS Headquarters or Assistant Chief Officer Grades within the relevant NPS Operational Group.*
- 2.90 *Downgrade/regrade or dismissal must be considered when the Attendance Management procedure has been followed and:*
- attendance has not improved to a satisfactory level following a final Written Improvement Warning – see [Written Improvement Warning](#); or
 - a return to work is not expected within a reasonable time frame during a period of continuous absence.
 - Please refer to [Pay Policy](#) regarding pay in downgrade/regrade situations.
- 2.91 *If the line manager does not meet the grade/pay band requirement to consider downgrade/regrade or dismissal, they must gather all the relevant information and refer the case to a Decision Manager. See [Annex C](#).*
- 2.92 *The Decision Manager must conduct a formal meeting with the employee before making a decision about downgrade/regrade or dismissal.*
- 2.93 *When arranging the formal meeting, the Decision Manager should follow the relevant steps in [Annex B](#).*
- 2.94 *At the meeting the Decision Manager must:*
- explain why they are considering downgrade/regrade or dismissal, and
 - give the employee the opportunity to present any new information which might affect their decision.
- 2.95 *After the meeting the Decision Manager must consider the information and make a decision.*

Decision is downgrade/regrade

- 2.96 *The Decision Manager may decide to downgrade or regrade the employee if:*
- the pressure of the duties of a higher grade/pay band is likely to have been the major reason for the unsatisfactory attendance;
 - they believe that the employee will achieve the required level of attendance again in the lower grade/pay band, and
 - a suitable vacancy is available.
- 2.97 *The employee must agree to the downgrade or regrade.*

Decision is dismissal

- 2.98 *The Decision Manager must dismiss the employee if **all** of the following apply:*
- the business can no longer support the employee's level of sickness absence;
 - downgrade or regrade is not appropriate without employees consent;

- where appropriate, there are no further reasonable adjustments which can be made which will help the employee return to satisfactory attendance and all other considerations have been exhausted;
- Occupational Health advice from an OHP has been received within the last 3 months, unless the employee withheld their consent to an Occupational Health referral;
- an application for Ill-Health Retirement would not be appropriate or has been refused. See [My Services](#) for further guidance.

2.99 *If the decision is to dismiss, the Decision Manager must consider whether compensation is appropriate. The Decision Manager must write to the employee within 5 working days of the meeting to advise them of the decision to dismiss and details of any compensation payment. Advance consideration by the HR Director must be obtained where the payment will exceed 75% of the payment cap (18 months of normal salary). See [Efficiency Compensation 2016](#) for further guidance.*

Decision is no further action

2.100 *If the Decision Manager decides not to downgrade/regrade or dismiss, the Attendance Management process will 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 or downgrade/regrade being re-considered;
- Formal Attendance Review Meetings will continue during a period of continuous sickness absence. The decision to dismiss or downgrade/regrade may be reconsidered if the sickness absence can no longer be supported.

Following the decision

2.101 *After making their decision, the Decision Manager must:*

- make a full written record of the discussion and the outcome. This must include 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 must include the effective date of dismissal, details of the notice period (see [Exit Management Policy](#) for further guidance on notice periods) 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 efficiency grounds for unsatisfactory attendance;
- send a copy of the letter and the completed Compensation Certificate to MyCSP if the decision is to dismiss – see [My Services](#) for further guidance;
- update the employee's absence record on Oracle – see [My Services](#) for further guidance.

Appeals

2.102 There is one right of appeal at each decision point in the Attendance Management procedure.

- 2.103 *The employee has 10 working days from the date of receipt of the decision to submit their appeal to the Appeal Manager. The appeal must clearly state the grounds for the employee's appeal and their desired outcome.*
- 2.104 There are four grounds of appeal:
- a procedural error has occurred, and/or
 - the decision is not supported by the information/evidence available to the line manager or Decision Manager, and/or
 - new information/evidence has become available which should be taken into account when reaching a decision about downgrade or regrade/dismissal, and/or
 - appeal against reduced compensation (in cases of dismissal).
- 2.105 *If the appeal does not satisfy the above grounds of appeal, the Appeal Manager must reject it and notify the employee, in writing, of this decision.*
- 2.106 *Appeals must be heard by an Appeal Manager who is:*
- at least one grade/pay band higher than the manager who made the original decision;
 - is independent, in other words they have had no previous involvement in the case. This will normally be the line manager of the person who made the decision to dismiss.
- 2.107 The appeal process 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.
- 2.108 *If the appeal meets the criteria, the Appeal Manager must conduct a formal meeting with the employee before making a decision.*
- 2.109 When arranging the meeting, the Appeal Manager should follow the relevant steps for formal meetings in [Annex B](#).
- 2.110 Before the meeting the Appeal Manager should:
- check they have all the papers relating to the decision;
 - check that the procedure has been followed correctly;
 - ensure they understand the grounds of appeal;
 - fully consider all the points raised by the employee in their appeal;
 - consider the original decision and any new evidence provided by the employee.
- 2.111 *An appeal hearing is a full re-hearing of the case. This means that the Appeal Manager must consider all the facts afresh and come to their own decision.*
- 2.112 *Following the meeting, the Appeal Manager must decide whether to uphold the appeal. They should aim to write to the employee notifying them of their decision within 5 working days of the meeting.*
- 2.113 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 dispute resolution/mediation, further attendance reviews/meetings with the employee and reasonable adjustments.

Other things to consider

Confidentiality

2.114 *Sickness absence records are confidential and must only be viewed by, or communicated to, other managers or Occupational Health providers and in accordance with departmental data protection policies. Disciplinary action will be taken for any inappropriate handling or processing of personal data.*

Retention of documents

2.115 *When keeping records relating to an employee's health, the line manager must follow the [Records, Archiving, Retention and Disposal policy](#).*

Disability leave

2.116 Disability leave is a form of paid special leave that may be offered as a reasonable adjustment under the [Equality Act 2010](#). Employees with a disability can apply for disability leave if they are fit for work but need time off to attend appointments for treatment, rehabilitation or assessment relating to their disability.

2.117 The manager may apply disability leave if an employee is fit for work but is absent because they are waiting for an agreed reasonable adjustment to be implemented, such as the provision or repair of specialist equipment. The manager should discuss with the employee whether any temporary workplace adjustments would enable them to continue to work or return to work while the adjustments are implemented. Disability leave may be applied when temporary workplace adjustments have been considered but not deemed sufficiently effective.

2.118 *The manager must not apply disability leave if the employee is absent because they are not fit for work. Disability leave does not cover period of sickness absence, whether or not the ill health is directly related to the employee's disability. Disability leave is for rehabilitation, assessment and treatment, but does not cover periods of hospitalisation or recovery.*

2.119 Disability leave is recorded separately to sickness absence and does not count towards attendance management or sick pay calculations. Please refer to the [Absence Management Policy](#) and [My Services](#) for further guidance on disability leave.

Gender Reassignment Leave

2.120 Gender reassignment leave can be categorised as either paid special leave or sickness absence. It enables employees to take time off to attend appointments or undertake treatments relating to gender reassignment:

- paid special leave should be considered if the employee is fit for work but needs time off for gender reassignment appointments;
- sickness absence should be applied where an employee is unfit for work, e.g. following surgery or other treatments.

2.121 The manager should meet the employee to discuss timeframes and gain an understanding of any concerns they may have regarding the transition process.

2.122 *The manager must not take formal unsatisfactory attendance management action when an employee reaches or exceeds the trigger points for gender reassignment related sickness absence. The manager should carry out an informal review if sickness absence for gender*

reassignment lasts, or is likely to last, more than three months and refer to Occupational Health as appropriate.

Other health-related absences

2.123 Employees may occasionally need to take time off from work to deal with health-related issues. For example:

- to attend doctors/dentists/hospital appointments;
- 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.

Please refer to the [Absence Management Policy](#) for further guidance.

2.124 Where possible, employees should attend appointments in their own time. 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 line manager as much notice as possible of the appointment and provide evidence of their appointment time, if requested.

2.125 Where the employee has been unable to arrange an appointment in their own time, the line manager can consider giving the employee paid time off, such as a flexi credit, for reasonable health-related absences.

2.126 The line manager can consider awarding special leave to enable employees to attend personal medical appointments where the employee has no flexibility about the timing. See the [Special Leave policy](#) or [NNC Handbook](#) for further guidance. *Paid time off or special leave must 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.*

III-Health Retirement

2.127 An application for III-Health should be made if a breakdown in the employee's health prevents them from carrying out their duties and there is advice from Occupational Health that they are likely to meet the criteria. Further information is available here:

www.mycsp.co.uk
www.lgps.org.uk

2.128 The employee should talk to their line manager if they want to apply for voluntary III-Health Retirement.

2.129 NOMS can make an application for III-Health Retirement (see [My Services](#) for further guidance) if a breakdown in the employee's health prevents them from carrying out their duties and their employment is to be terminated.

2.130 III-Health Retirement can be pursued by NOMS where the employee has refused, or is too ill, to apply on a voluntary basis and there is advice from Occupational Health that they are likely to meet the criteria.

2.131 *The line manager must tell the employee if they intend making an application for III-Health Retirement.*

Phased Return to Work

- 2.132 A phased return to work is when an employee returns to work and builds up gradually over an agreed period of time (usually limited to a maximum of 3 months) to their full hours and / or normal duties. The aim is to help the employee return to work as soon as possible as part of their recovery.
- 2.133 A phased return can range from a few days to a number of weeks. Most employees can return to work within a short time frame with the right support. However, every case is different. In exceptional circumstances, when there is compelling medical evidence to support it, a plan may be longer.
- 2.134 Days not worked as part of an agreed Phased Return to Work arrangement 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 is required to be at work, will count towards the Trigger Point.
- 2.135 *The line manager must ensure the sickness absence is closed on Oracle (See [My Services](#) for further guidance) and the period of Phased Return to Work is recorded – see [How to manage a phased return to work](#) for further guidance.*
- 2.136 Annual leave can be taken whilst on a phased return to work.

Arrangements for staff on probationary period

- 2.137 Members of staff on their probationary period who reach the sickness absence monitoring trigger of four working days absence in a six month period, do not need to be progressed through all three warning stages of the Unsatisfactory Attendance process.
- 2.138 Normal exemptions apply to the calculation of the trigger point. *Where absence is determined to be unsatisfactory a Written Improvement Warning must be given and recorded, making clear that failure to improve can lead to termination of employment. Following a Written Improvement Warning probationers must be given a reasonable period of time to demonstrate improvement. If during the remainder of the probationary period attendance does not improve, and a reasonable period of time has been allowed, then downgrade/regrade or dismissal on the grounds of failed probationary period due to attendance must be considered.*
- 2.139 *When a warning under these procedures is given to a probationer consideration must be given as to whether to extend the probationary period. If the probationary period is extended the member of staff will remain subject to the shortened unsatisfactory attendance probationary procedures for the duration of the extension. This must be fully set out in writing to the probationer.*
- 2.140 Once the member of staff has been confirmed in post, they are no longer subject to the special arrangements applying to probationers. Any warnings issued are no longer valid; however, absences incurred during the previous 12 months will count for the purpose of determining new Unsatisfactory Attendance trigger point breaches.

Sick leave excusal arrangements (not applicable to NPS staff)

- 2.141 Someone who contracts a disease or is injured or assaulted whilst on duty may qualify for sick leave excusal. If excusal is granted all sick leave, up to a maximum of 6 months (182 calendar days), relating to that injury, assault or disease is removed from reckoning against the individual's sick leave record for sick pay purposes and excluded from consideration under the Unsatisfactory Attendance procedures.

2.142 Governors/Heads of Business Unit are responsible for considering applications for sick absence excusal for staff who contract a disease or are injured or assaulted whilst on duty.

2.143 *If sick leave excusal is granted, the absence must still be recorded as sick for statistical purposes.*

Injury or Disease:

2.144 Eligibility for sick leave excusal for diseases contracted, or injuries sustained whilst on duty:

- *a member of staff must satisfy the qualifying conditions for injury benefit under the Principal Civil Service Pension Scheme. To determine whether there is a qualifying injury a referral to the Civil Service Pension Scheme Medical Advisor must be undertaken. In no circumstances can an absence be determined as not qualifying without referral and support of the Civil Service Pension Scheme Medical Advisor.*

Absence excusal must not be considered where:

- *The accident occurred on work premises but was not connected to work duties.*
- *Where a previous excusal has been approved for the same accident and the full six months have been taken. Does not apply to assaults.*
- *The first absence due to the accident began before 14 July 1975.*

2.145 If an excusal is granted for an absence caused by an accident or disease contracted on duty, up to a maximum of 6 months (182 calendar days), sick absence is removed from reckoning against the individual's sick leave record for sick pay purposes and excluded from consideration under the Unsatisfactory Attendance procedure. Where there are breaks in an absence attributable to an accident on duty, the total period excused can not exceed 6 months (182 calendar days).

Assault:

2.146 Where a member of staff has been assaulted on duty, or when not on duty but clearly connected with duty, remains sick beyond the normal six month excusal period they remain entitled to sick leave excusal payments for the duration of their assault related absence while they remain in service.

2.147 *Absence excusal for assaults must not be considered where:*

- *The assault occurred on work premises but was not connected to work duties.*

Supporting Staff Who Remain Absent Following Absence Excusal:

2.148 Staff who are likely to remain absent following a qualifying injury, or illness, and exhaust their entitlement to full pay may qualify for a temporary injury benefit award under the Civil Service Injury Benefit Scheme. In order to ensure that a decision is made prior to exhausting their full pay entitlement, staff should be advised to apply as soon as possible for temporary injury benefit. Applications are managed by [MyCSP](#).

2.149 Staff who leave the Service are entitled to apply direct to [MyCSP](#) for a permanent Injury Benefit Award if they feel that their earning capacity is impaired by a qualifying injury or illness. Applications are administered and determined by the pension scheme administrators based at [MyCSP](#).

Sick leave excusal arrangements (NPS staff)

- 2.150 Someone who contracts a disease or is injured whilst at work may qualify for sick leave excusal. If excusal is granted all sick leave, up to a maximum of 6 months (182 calendar days), relating to that injury or disease is removed from reckoning against the individual's sick leave record for sick pay purposes and excluded from consideration under the Unsatisfactory Attendance procedures. **For staff in the NPS Directorate sick pay is paid in accordance with the NNC and SCOGG terms and conditions.**
- 2.151 Senior Managers are responsible for considering applications for sick absence excusal for staff who contract a disease or are injured whilst at work.
- 2.152 *If sick leave excusal is granted, the absence must still be recorded as sick for statistical purposes.*

Injury or Disease:

- 2.153 Eligibility for sick leave excusal for diseases contracted, or injuries sustained whilst at work:
- *An employee wishing to pursue either a temporary or permanent injury allowance will need to first have their injury or disease certified by an independent registered medical practitioner (IRMP).*

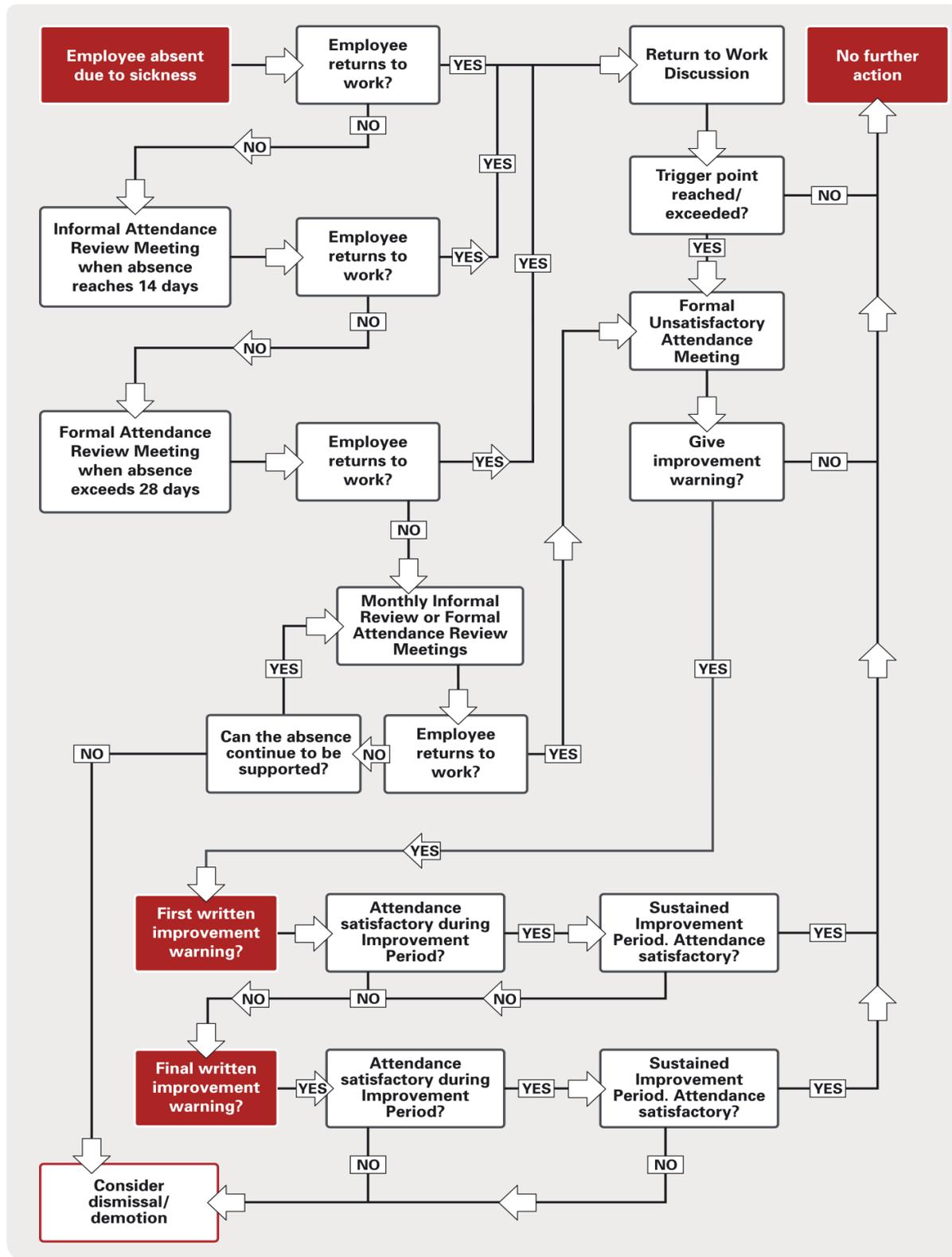
Absence excusal must not be considered where:

- *The accident occurred "whilst not at work" even if on work premises, unless the accident was clearly connected to official duties.*
 - *Where a previous excusal has been approved for the same accident and the full six months have been taken.*
- 2.154 If an excusal is granted for an absence caused by an accident at work, up to a maximum of six months (182 calendar days), sick absence is removed from reckoning against the individual's sick leave record for sick pay purposes and excluded from consideration under the Unsatisfactory Attendance procedure. Where there are breaks in an absence attributable to an accident at work, the total period excused cannot exceed six months (182 calendar days).

Supporting Staff Who Remain Absent Following Absence Excusal:

- 2.155 Staff who are likely to remain absent following a qualifying injury, or illness, and exhaust their entitlement to full pay may qualify for a Temporary Injury Benefit Award under the Injury Allowance Regulations. In order to ensure that a decision is made prior to exhausting their full pay entitlement, staff should be advised to apply as soon as possible for temporary injury benefit.

Annex A - Process Overview



Please refer to the policy for timescales of the process which can be found throughout [Section 2](#).

Annex B – Holding a formal meeting

The following steps apply to all formal meetings and should be followed carefully. See [Formal Attendance Review Meeting](#). Any additional steps relating to a specific meeting are set out in the relevant part of the procedures.

Before the meeting

The line manager should write to the employee inviting them to a meeting to discuss their attendance. Where possible the meeting should be face-to-face at their usual workplace. The letter should:

- give at least 5 working days notice;
- tell the employee they are expected to attend the meeting as scheduled unless there are exceptional circumstances why they cannot. In this case, they should inform the line manager as soon as possible;
- inform the employee a note taker may attend to keep a written record of the meeting. Make sure they are comfortable with that person taking notes;
- advise the employee they have the right to be accompanied by a Trade Union representative, Trade Union official or work colleague;
- explain the reason for the meeting, what issues will be discussed and what the possible outcome could be;
- enclose copies of any correspondence relating to the employee's sickness absence which will be referred to during the meeting. If the employee is on a continuous period of sickness absence, send them a copy of the Attendance Management policy and procedure.

[\[A link will be added to attendance letters pack\]](#)

The line manager should also:

- make any reasonable adjustments (see [Equal Treatment of Employees Policy](#) for further guidance) which are necessary to enable an employee with a disability to attend a formal meeting;
- postpone the meeting once if the Trade Union representative, Trade Union official or work colleague the employee has chosen cannot attend. *Ideally the meeting must be held within 5 working days of the original scheduled date by working collaboratively with trade unions to accommodate wherever possible support for the employee.* If this is not possible, the line manager should make a decision about the case taking into account all the available evidence;
- review the available information about the employee's sickness absence history and consider the possible outcomes – see [How to decide whether an absence level can continue to be supported](#) for further guidance;
- read the Attendance Management policy and procedure and make sure they understand what decisions or actions they will need to take following the meeting.

In the meeting

The line manager should take the following actions for all meetings:

- ensure notes of the meeting are taken;
- notify the employee of the potential outcomes including downgrade or regrade/dismissal;
- give the employee the opportunity to raise anything they think is relevant prior to the line manager making a decision about next steps;
- remind the employee about the support available from the Employee Assistance provider – see www.noms.helpeap.com for further information;
- tell the employee about next steps.

The following actions are not applicable for Appeal Meetings. However, the line manager should take these actions for all other meetings:

- review the employee's absence history;
- explain the purpose of the meeting i.e. to help the employee to return to a satisfactory level of attendance, support them in their return to work or to determine whether the sickness absence can be supported;
- ask the employee what steps they are taking to help themselves return to a satisfactory level of attendance;
- explore whether there any temporary workplace adaptations or reasonable adjustments (see [Equal Treatment of Employees Policy](#) for further guidance) which might enable the employee to achieve a satisfactory level of attendance or a return to work;
- review any reasonable adjustments which are already in place for employees with a disability and check whether they continue to be effective or necessary. The line manager should also consider whether any further adjustments are needed to support the employee – see [Equal Treatment of Employees Policy](#) for further guidance;
- consider whether Occupational Health advice (see [Occupational Health Policy](#) for further guidance) is needed to enable them to make a decision about next steps and discuss this with the employee.

After the meeting

The line manager should take the following actions for all meetings:

- consider all of the available information and make a decision;
- write to the employee within 5 working days of the meeting. [\[A link will be added to attendance letters pack\]](#). Advise the employee of the decision taken and the reasons for it. Include the record of the discussion; this should be signed by the employee;
- take forward any agreed actions and update the employee on progress.

The following actions are not applicable for Appeal Meetings. However, the line manager should take these actions for all other meetings:

- talk to the employee about any Occupational Health advice received. Consider any recommendations and how they can be implemented;
- update the employee's sickness absence record on Oracle.

Annex C – Checklist for referring a case to a Decision Manager

The line manager should provide the Decision Manager with the relevant information to enable them to make a decision. This should normally include:

- the reasons why the business can no longer support the sickness absence;
- a written summary of the case so far including all action taken to date, copies of any letters issued and notes of all discussions with the employee relating to their sickness absence;
- a copy of all Occupational Health advice, including advice issued within the last 3 months, or details of when consent for an Occupational Health referral was asked for and refused;
- information on any temporary workplace adaptations or reasonable adjustments which have been considered and made. If these have not been implemented, the line manager should include an explanation of the reasons;
- a copy of a Stress Risk Assessment if appropriate;
- a copy of the Return to Work plan where appropriate;
- the employee's sickness absence records for at least the last two years;
- any advice received from HR;
- a copy of the employee's job description;
- evidence that Ill-Health Retirement has been considered.

Annex D – How to Guides

A number of How to Guides for employees and managers are available on [My Services](#) to support them in attendance management in NOMS:

Employee Guides

1. Employee guide - missed and late occupational health appointments
2. How to – engage with your manager about a phased return to work
3. How to guide for shift workers

Manager Guides

1. How to decide whether an absence level can continue to be supported - Advice for managers and decision makers
2. How to adopt a work-focussed approach
3. How to understand and work with the Fit Note
4. How to hold attendance support meetings
5. How to hold a return to work discussion
6. How to keep in touch with employees on sickness absence - Advice for managers
7. How to: Managing attendance during periods of change - Advice for managers
8. How to manage employee non-attendance at occupational health appointments
9. How to support an employee who has a serious or terminal illness
10. How to manage a phased return to work
11. How to support employees who are experiencing mental health issues - Advice for managers
12. How to support employees with musculoskeletal disorders - Advice for managers
13. How to support employees who are experiencing stress at work - Advice for managers
14. How to support staff following an incident - Guide for managers
15. How to manage pregnancy related sickness absence - Guide for managers
16. How to support employees who have caring responsibilities - Advice for managers
17. How to support employees dealing with bereavement - Advice for managers
18. How to consider reasonable adjustments

Further information and FAQs are also available on [My Services](#).