

# **Sickness Absence Management Procedure**

## **Template Letters and Guidance for Managers**

1. Invitation Letter for First Stage Meeting
2. Outcome Letter for First Stage Meeting
3. Outcome Letter following Notice of Improvement
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This is a guidance document and the template letters may not be appropriate for every circumstance – contact your HR Advisor for advice is require further advice

### Version 1

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Policy Owner	Assistant Director of Governance and Policy				

## **1 Invitation letter for FIRST STAGE meeting**

### **PRIVATE & CONFIDENTIAL**

Dear <name>

### **Sickness Absence Management - First Stage Meeting**

<Further to our conversation following your recent sickness absence I would like to arrange a meeting to review your current situation> or <I am sorry that you remain unwell and are not yet able to return to work and I would like to arrange a meeting to review your current situation>

The meeting will be an opportunity to gain an understanding of your current health situation, <discuss your current level of attendance> or <understand the likely duration of your absence> and will be an opportunity to discuss any support that can be considered at this time. A copy of the Sickness Absence Management procedure and <detail any additional information\*> is enclosed for your information.

I should be grateful therefore if you would attend a meeting on <date> at <time>, <location>. \*(ensure provide a minimum of 7 days' notice). Also in attendance at the meeting will be <name> HR Advisor (add in if appropriate)

You are entitled to be accompanied at the meeting by a Trade Union representative or work colleague. Should you wish to be accompanied please provide me with details of your chosen companion prior to the meeting.

I would be grateful if you could confirm your ability to attend this meeting by contacting me on <telephone no>. If it is not convenient please contact me to arrange an alternative date and provided it is reasonable and no more than 7 calendar days after the original date another meeting will be arranged. If you fail to attend the re-arranged meeting, a decision may be taken in your absence. Also if you need any special arrangements or if you have any particular accommodation requirements to enable you to attend the meeting please let me know as soon as possible.

In addition please be aware that you are able to contact Workplace Wellness for support and I have enclosed a copy of the leaflet for your information. You can contact the service directly if you wish to access this support.

I look forward to meeting with you and in the meantime if you have any queries or concerns relating to this letter please do not hesitate to contact me.

Yours sincerely

Manager

Enc: Sickness Absence Management Procedure, Workplace Wellness leaflet \*(plus any additional documentation that you wish to rely on, e.g. self-certification/ return to work record, medical advice or occupational health report)

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## 2 Outcome Letter for First Stage Meeting

### **PRIVATE & CONFIDENTIAL**

Dear <name>

Thank you for meeting with me on <date>. Also in attendance was <HR Advisor (add in if appropriate) >and<name of representative>, or < you chose not to be represented although you were reminded of this right>.

The purpose of the meeting was to review your <continuing sickness absence> or <level of sickness absence> and I am writing to confirm the outcome of our meeting.

We discussed <insert summary of discussion – this may include>

- Sickness record and reasons for absence,
- Health and wellbeing at present time, the nature and likely prognosis and duration of absence and up to date medical advice
- Any personal or work related issues
- Occupational Health advice (if report has been obtained)
- Consideration of a referral to Occupational Health (if advice not yet obtained)
- Consideration of reasonable adjustments
- Any assistance that can be or has been provided ie –useful contacts, staff care
- Sick pay allowance
- Previous meetings held and actions taken to date
- Impact of absence on department / colleagues / service
- Future contact arrangements

We considered and discussed all available options and support at this stage of the process to enable you to improve to the required standard and agreed an appropriate way forward; *(delete / include as appropriate)*

- A referral to occupational health
- Self-referral to staff care
- Management referral to staff care
- Reasonable adjustments considered/ agreed including a review date
- Referral for a workstation assessment
- Redeployment to be explored
- Ill health retirement (where applicable)
- Providing a Fit Note (Statement of Fitness for Work) to cover each period of absence from the first day of absence. You will be reimbursed for the cost of providing certificates upon presentation of a receipt.

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Outcome (choose one option)

I explained that in line with the Procedure

- I will issue a notice to improve and I require a sustained and acceptable attendance pattern that meets the needs of the business. The expectation is for a sustained improvement over the next 12 months, using the corporate indicators as a guide (or insert specific target).
  - 3 or more episodes of sickness absence in a rolling 6 month period
  - 5 or more episodes of sickness absence in a rolling 12 month period
  - 10 days (covering 1 episode or several episodes of sickness absence) in a rolling 12 month period)

Your attendance will be monitored from date of First Stage meeting and failure to reach the required standard during the 12 month period may lead to further formal action, which includes possible progression to Final Stage of the Sickness Absence Management procedure which could lead to the termination of your employment on the grounds of incapability or unacceptable level of attendance.

- I will not issue a notice to improve, as I believe there are extenuating circumstances as to why the warning should not be issued. (This should be discussed with HR in the first instance)

A copy of this letter shall be retained on your personal file and will be disregarded after 12 months, if at the end of that period your attendance is considered satisfactory.

*Insert if Notice to Improve issued*

<You have a right to appeal against this decision. If you wish to appeal, you should do so in writing within 14 calendar days of the receipt of this letter to <(name), next level manager, xxxx group>. Your written appeal should state the grounds for your appeal.>

We would like to ensure we are continuing to support you as much as possible in order to improve your attendance. If there is any further support that you feel may be of benefit to you please discuss this with me.

Please do not hesitate to contact me if you have any queries.

Yours sincerely

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### **3 Outcome Letter following Notice to Improve**

#### **PRIVATE & CONFIDENTIAL**

Dear <name>

Thank you for meeting with me on <date>.

The purpose of the meeting was to review level of sickness absence following the Notice to Improve and I am writing to confirm the outcome of our meeting.

We discussed <insert summary of discussion – this may include>

- Sickness record and reasons for absence,
- Health and wellbeing at present time, the nature and likely prognosis and duration of absence and up to date medical advice
- Previous meetings held and actions taken to date

#### Outcome (choose one option)

I explained that in line with the Procedure

- I am pleased to confirm that you have achieved a sustained and acceptable attendance pattern and therefore your notice is completed
- You have not achieved a sustained and acceptable attendance pattern and as discussed we will extend the timescale for a further x months and your attendance will continue to be monitored and will be reviewed as part of routine 1:1 meetings, the next review will be on <date>. The expectation is for a sustained improvement over the rest of the review period using the corporate indicators as a guide.
  - 3 or more episodes of sickness absence in a rolling 6 month period
  - 5 or more episodes of sickness absence in a rolling 12 month period
  - 10 days (covering 1 episode or several episodes of sickness absence) in a rolling 12 month period)

If improvement is not sustained we will consider next steps under the Sickness Absence Management Procedure>

- You have not achieved a sustained and acceptable attendance pattern and we will now escalate to the Final Stage of the Sickness Absence Management Procedure, and you will be invited to attend a Final Stage Meeting

We would like to ensure we are continuing to support you as much as possible in order to improve your attendance. If there is any further support that you feel may be of benefit to you please discuss this with me.

Please do not hesitate to contact me if you have any queries.

Yours sincerely

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#### **4 Invitation letter for FINAL STAGE meeting**

#### **PRIVATE & CONFIDENTIAL**

Dear <name>

#### **Sickness Absence Management Procedure, Final Stage Meeting**

Further to our conversation on <insert date> following your recent sickness absence, I am writing to confirm the arrangements for the Final Stage meeting with <name of Assistant Director or delegated Manager><name of HR representative> on <date> at <time>, <location>. \*(ensure provide 14 calendar days' notice). Myself and <names of anyone else attending?> will also be present at the meeting.

The purpose of the meeting is to discuss your unacceptable level of attendance following our First Stage meeting and will take place in accordance with the Sickness Absence Management Procedure.

We are now at the final stage of the procedure and you should be aware that the purpose of the meeting is to consider matters previously discussed and to consider options which may include ending your employment on the grounds of incapability due to ill health. However, no decision will be made until you have had a full opportunity to put forward your case.

A copy of the procedure and <detail any additional information\*> is enclosed for your information. We intend to rely upon this information at the Meeting. If you have any documents that you want to be considered at the meeting please let me have these no later than <date> to enable me to circulate copies to those attending

You are entitled to be accompanied at the meeting by a Trade Union representative or work colleague. Should you wish to be accompanied please provide me with details of your chosen companion prior to the meeting.

I would be grateful if you could confirm your ability to attend this meeting by contacting me on <telephone no>. If it is not convenient please contact me to arrange an alternative date and provided it is reasonable and no more than 7 calendar days after the original date another meeting will be arranged. If you fail to attend the re-arranged meeting, a decision may be taken in your absence. Also if you need any special arrangements or if you have any particular accommodation requirements to enable you to attend the meeting please let me know as soon as possible

Please do not hesitate to contact me if there is anything within this letter which you do not understand.

Yours sincerely

Manager

Enc: Sickness Absence Management Procedure

\*(plus any additional documentation that you wish to rely on, e.g. self-certification/ return to work record, measures, targets and criteria that were used to assess improvement, most up to date medical advice)

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## **5 Outcome Letter for Final Stage Meeting**

### **PRIVATE & CONFIDENTIAL**

Dear <name>

### **Sickness Absence Management – outcome of Final Stage Meeting**

I write to confirm the outcome of the Final Stage absence meeting held on <date>. This meeting was attended by yourself, <name of representative>,< you chose not to be represented> <names> and myself. The meeting was arranged to consider your level of attendance and options, including the possible termination of your employment.

<<name> presented a summary of the events that has led to this meeting and that the First Stage meeting was carried out with you on <date> Following the First Stage meeting, you had <number of episodes of further sickness absences on x dates> which led to the progression to Final Stage of the Sickness Absence Management procedure.

<<name> also outlined the support provided to you during the management of your sickness absences which included; *(insert details)*

You confirmed that you had received a copy of the Sickness Absence Management procedure and you were informed that your sickness absence is a cause for concern and your attendance has fallen below the standard expected. We discussed <your sickness record, reasons for absence, previous meetings held, actions taken to date, the latest occupational health report, the impact your non-attendance is having on service delivery and the team and the seriousness of the situation and that the service is unable to sustain this degree of attendance>.

You were given an opportunity to put forward your case and any mitigating or change in circumstances <Insert>

After carefully considering all of the information presented at the meeting and on the basis of the medical evidence the outcome is :

#### Outcome *(choose one option)*

- < Notice to Improve, *(exceptional circumstances)* – The expectation is for a further period of sustained improvement (detail timescales and targets) or further consideration of redeployment (detail) and/or reasonable adjustment (detail adjustments).

Your attendance will continue to be monitored and if an improvement is not achieved or sustained the Final Absence meeting will be reconvened. OR

- <Dismissal – I feel that it is reasonable to conclude that you will not return to work in the foreseeable future and undertake your duties on an ongoing and sustainable basis. It is with regret that I must therefore confirm that the decision was made to terminate your employment with Warwickshire County Council on the grounds of incapability due to your unsatisfactory levels of sickness absence. You are entitled to x weeks' notice

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at full pay and therefore your employment is due to end on <date>(contact your HR Advisor if advice required)

<You have a right to appeal against this decision. If you wish to appeal, you should do so in writing within 14 calendar days of the receipt of this letter to <(name), next level manager, xxxx group>. Your written appeal should state the grounds for your appeal.>

Please do not hesitate to contact me if you have any queries.

Yours sincerely

Manager

Cc

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## **6 Guidance on sickness absence management final stage meeting**

This outline of a procedure for a final stage meeting is for guidance purposes only, as it is recognised that the hearing Manager will need to determine how best to manage any hearing given the individual circumstances of the case and is likely to be most relevant where the case relates to short term absences.

### Introductions

- Welcome attendees.
- **Request that all attendees turn off any electronic devices to avoid unnecessary interruptions during the meeting and advise that the County Council does not allow recording of meetings.**
- Introduce those present and their roles; this may include: HR member supporting the hearing manager, presenting manager for the Council etc.
- Ask the employee to introduce themselves and their union representative or work colleague they may have with them. Check whether the participants are happy with use of first names.
- Confirm with the employee that they have received the letter notifying them of the hearing and the associated documentation providing advanced disclosure of the case.
- Confirm with the employee that they understand that it is a formal hearing which will be conducted in line with the County Council's Sickness Absence Management procedure. [If appropriate, subject to previous action, advise that one potential outcome of the hearing could be dismissal due to incapability]
- Ask that all communications go through the hearing manager during the hearing.
- Confirm receipt of any other documentation/information provided by the employee.
- Where reasonable adjustments where required for the hearing, check with the employee that these meet their needs.

### Meeting format

- Advise of the format of the meeting
- Representation of employee – If accompanied confirm the role of the representative, i.e. that they will be able to address the hearing in order to: put the employee's case forward; sum up the case; respond on the employee's behalf to any view expressed at the hearing; and confer with the employee. However, the representative will not answer questions on behalf of the employee.
- If not accompanied note that the employee has been advised of his/her right to be accompanied

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- Confirm documentation provided – Identifying if appropriate any other documentation the hearing manager has at their disposal for reference purposes.
- Adjournments - Hearing manager to advise that should any party consider an adjournment /comfort break necessary requests should be made to them. Identify the location of the rooms/areas available to the employee.
- Taking of notes – Advise that any notes taken by the hearing panel will be summary notes to support the hearing manager’s consideration and final decision. Advise that both the employee and their representative would be welcome to make their own notes.
- Respond to any procedural concerns/queries that may arise.
- If the hearing has been rescheduled, confirm with the employee that they acknowledge why this was the case.

Presentation of cases

1. The presenting manager for the Council will outline the management case, including: The nature of the attendance/ill health issue, impact of absences, the actions/support already implemented/considered, the improvements required, the medical evidence.
2. The employee /their representative will be given the opportunity to ask any questions in relation to the management case.
3. The employee or their representative will then be invited to state his/her case
4. The presenting manager will be given the opportunity to ask questions in relation to the employee case.
5. The hearing manager will ask questions/seek clarification as necessary in relation to the management and employee cases.
6. The presenting manager will be given an opportunity to make a closing statement.
7. The employee will be given an opportunity to make a closing statement
8. Ask if the employee has any additional information they would like to add, not already previously raised at the hearing.

Adjournment and decision

- Hearing manager either adjourns or closes the hearing to consider the case
- If the hearing manager is unable to make a decision as further information/time is required, inform the employee as to when they can expect written notification of the decision (or if further action was deemed necessary what this would entail)
- When closing the hearing, ensure that everyone understands what is going to happen.
- Hearing manager makes a decision considering the options available

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- Advise that the outcome of the hearing will be confirmed to the employee in writing, (usually within 7 days of the hearing) and includes notification of their right to appeal and to whom any such appeal should be addressed.

### Records

- Record summary of the discussions, (including any agreed actions and timescales for improvement etc).
- Ensure that the records are factual, unambiguous and constructive
- Write to employee summarising the outcome of hearing and any next steps.
- Store records securely, as these may be subsequently required within later procedural stages and shared with all relevant parties, including the employee.
- Outcome letter uploaded onto the HR-er file of the employee by manager.

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