#

# STAGE 3 ABSENCE MANAGEMENT HEARING GUIDANCE NOTES FOR MANAGERS

The aim of this guidance note is to provide managers with a step by step template to follow at the Stage 3 Hearing with the employee. Please amend the template to reflect the individual case.

### Attendees:

Thanks for attending/Introductions

Remind all parties that electronic, audio or video recording by any device of the hearing will not be permitted.

Where the nominated notetaker at meetings and/or hearings associated with the process feels it is necessary to make an audio recording in order to support with the preparation of the notes, the requirement to make the recording will be clarified with all present at the start of the meeting.

### Reason for Meeting

* To review (employee’s name) current health situation.
* To discuss the absences since the Stage 1 and Stage 2 Meetings.
* To discuss (employee’s name) absences in the last 12 rolling months.
* To identify if there are any further support mechanisms that could be put in place to help reduce the absences.
* To look at the options available in line with the Absence Management Procedure.

### Absences from Work

Discuss absences from work and how these absences have reached the trigger points. The absences that we were reviewing were:

|  |  |  |  |
| --- | --- | --- | --- |
| **Start Date** | **End Date** | **Reason**  | **Total Working Days**  |
|  |  |  |  |
|  |  |  |  |
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|  |  |  |  |

Discussion to explore if there was any associated reason linked to the absences e.g. absence caused by a disability or personal, family or work related problems.

Discuss any return to work interviews, relevant supervision notes, reasonable adjustment request forms and any previous OH advice.

Explain that management are concerned about the number of absences and that we want to ensure that we are supporting employee as much as possible to help them improve there attendance.

### Current Health Situation:

* General discussion around the employee is feeling.
* The nature of employee’s ill health and any progress or improvements.
* If Long term absence is there a likely return to work date.
* Employee is asked to provide an explanation as to why attendance has not improved since the last Stage 2 Meeting.
* Recent Occupational Health reports.

### Support Available

* Discuss any support we can offer in order to assist in returning to work or improve level of attendance.
* Reference to OH reports
* Discuss whether redeployment should be considered (with OH advice).
* Pay status, i.e. when reduce to half/nil sick pay. Discuss option of taking annual leave during absence.
* If recommended by OH consideration for those in the Local Government Pension Scheme to be assessed for permanent ill health retirement.

### Adjournment

Adjourn the meeting to analyse all the information provided at the meeting in order to make decision on how to proceed.

The Chair should consider the following questions;

* Are the absences caused by a disability or personal, family or work related problem?
* Where appropriate has the relevant supporting policies been utilised such as [Disability Leave](http://www.lincolnshire.gov.uk/jobs/manuals/employment-manual/family-friendly-and-work-life-balance/disability-leave-policy-and-procedure/62084.article) and [Special Leave](http://www.lincolnshire.gov.uk/jobs/manuals/employment-manual/family-friendly-and-work-life-balance/special-leave-for-family-or-personal-reasons/58662.article)?
* Does the OH advice indicate the employee is likely to return to work in the near future?
* The Chair will need to consider if the employee’s absences have changed from short term to long term or vice versa that reasonable time has been given to consider the employee’s absence and to seek further OH advice if required.
* Is management satisfied that advice/reasonable adjustments have been considered/made and given an opportunity to have an impact on the employee’s level of attendance, bearing in mind the length of absence, impact on the Director Area and the position the employee holds?
* Where there is an underlying medical condition and the OH report refers to suitability for alternative employment, has the option of redeployment been considered/offered/discussed with the employee (see Medical Redeployment)?

### Absence Management Procedure

After considering all the evidence presented at the hearing Chair has the following 3 options available:

**Set Review Period**

*After considering all the evidence presented at the hearing the chair felt a further review period was appropriate in the circumstances due to explain reasons for review period.*

*It was explained that the employees absences will continue to be monitored and review period was set of* ***(X) months,*** *ending on* ***(insert date)****. At the end of the review period we will review any absences he/she have had in this time, review current health situation and look at any supporting documentation before deciding on the next stage within the procedure.*

*We would like to ensure we were continuing to support you as much as possible in order to help improve attendance. If there are any further adjustments/support that the employee may feel be of benefit please discuss these with me.*

*If at the end of the review period, their attendance has improved they will enter a 12 months "live" period (commencing at the end of the review period) during which he/she is required to sustain the improvement. Should they have further absences during this "live" period and the absences, on a rolling 12 months basis, cause he/she to hit the Council’s trigger points once again, a decision could be made to return to a Stage 3 Hearing.*

*However, if absence(s) remain at a level which is a concern he/she could be progressed through the absence management procedure where a further Stage 3 Hearing may take place. Please be aware a possible outcome of a Stage 3 Hearing could be dismissal.*

**Dismissal**

If the Chair decides to dismiss the employee on the grounds of ‘Some Other Substantial Reason’ or ‘Capability’ (if underlying medical condition), they will outline the reasons why, provide information on the employee’s notice period. Redeployment opportunities will continue during the employee’s notice period.

 *Having considered all the available information, including that presented at the hearing, I am satisfied that the Council have undertaken reasonable steps to try and help the employee to improve and sustain attendance at work. I consider there is no other reasonable alternative but to dismiss the employee with notice on grounds of ‘some other substantial reason’ or ‘capability (where a medical condition is identified) as the Council cannot continue to sustain your high level of absence from work.*

*The employee is entitled to* ***(X)*** *weeks' written notice to terminate employment and the period from* ***(enter date)*** *until* ***(enter date)*** *will be paid as notice, on full pay, as a salary, less Employment & Support Allowance or equivalent benefit you may receive, in line with salary deadlines and pay dates. Therefore, the employees employment with the Council will terminate on* ***(INSERT DATE).*** *If you wish to*

*Arrangements will be made for the employee to receive payment for any outstanding leave due up to the date of termination.*

*Advise the employee about their right of appeal to Elected Members of the County Council, against the decision to terminate employment. If he/she wishes to exercise this right, he/she should do so by writing to* ***(insert name),*** *HR Adviser, HR Service, 3rd Floor Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX, within ten working days of receiving this letter. As identified in the enclosed Appeals Policy you will need to identify the grounds for your appeal.*

*You are required to submit Fit Notes, in the normal way, for any period of sickness absence during your notice period, up to and including your last day of employment.*

***Redeployment can apply for dismissal (not PIH) or setting a review period.***

*As you remain unfit due to your underlying medical condition to return to your post of (Job Title) we discussed looking for redeployment, as recommended by OH. In light of this information, you were advised that you would be given medical redeployment –* ***(Manager enters option 1 or option 2)*** *–*

*Option 1 - As your medical condition is covered by the Equality Act 2010 At Risk status applies and you will be considered for any relevant post you apply for, at or below your substantive grade, before any other applicant other than those in the same circumstances. Salary protection is not afforded when medically redeployed.*

*Option 2 - As your medical condition is* ***not*** *covered by the Equality Act 2010, you will have a lower level of At Risk status and you will be considered for any relevant post you apply for, alongside any other redeployees. Salary protection is not afforded when medically redeployed.*

*I enclose a copy of the Redeployment Policy, which details your entitlements and responsibilities. Please read this carefully.*

*Details of current vacancies within Lincolnshire County Council can be found on the LCC websitein addition when completing any application for a role, please tick the 'At Risk' box on the application. If you would like any assistance in completing an application form, or with preparation for an interview, please contact me and I will be happy to provide/organise support for you.*

**Ill Health Dismissal - Tier 1/2/3**

*Having taken considered all the available information, including that presented at the hearing he/she was informed that as they are deemed permanently unfit to return to your substantive post, and redeployment to an alternative post is not possible, their employment with the County Council is to be terminated on the grounds of capability due to underlying medical condition. Explain that as he/she has been granted ill health retirement under the Local Government Pension Scheme at* ***(Insert appropriate Tier – Tier 1, 2 or 3).*** *A separate letter will be sent to confirm the outcome of the application for Permanent Ill Health (PIH) under the Local Government Pension Scheme Regulations.*

*He/she is entitled to* ***(X)*** *weeks' written notice to terminate employment and the period from* ***(enter date)*** *until* ***(enter date)*** *will be paid as notice, on full pay, as a salary, less Employment & Support Allowance or equivalent benefit you may receive, in line with salary deadlines and pay dates. Therefore, their employment with the Council will terminate on* ***(INSERT DATE).***

*Arrangements will be made for he/she to receive payment for any outstanding leave you are due up to the date of termination.*

Ensure the employee has a copy of the absence management procedure.

A letter will be sent to confirm the outcome of the meeting [Stage 3 Outcome Letter](http://www.lincolnshire.gov.uk/jobs/manuals/employment-manual/absence-management/template-letters/83811.article).

Remind them of the Council's free and confidential Employee Support and Counselling service, which is available to you. The service can be accessed by telephone on 55440 (internal) or 01522 555440 (external) or by e-mail on emp.supportandcounselling@lincolnshire.gov.uk

**(If dismissal)** *Finally, on behalf of Lincolnshire County Council may I express my regret that their employment has ended in these circumstances, thank them for their service and wish them well for the future.*

Any questions?

Thank all parties for attending the meeting

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