

**Maximising Attendance
Policy & Procedure
(Teachers)
Version: 1.1**

Focus. Passion. Inspiration.



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

| Contents | |
|--|---|
| <u>Section 1</u> Introduction | 1.1 Why is Managing Sickness Absence Important? 1.2 Management Responsibility 1.3 Monitoring Sickness Absence 1.4 Sickness Absence Reporting Procedures 1.5 Short & Long Term Absence and Moving Between Them 1.6 Representation 1.7 Guidance on Moving through the Maximising Attendance Procedure |
| <u>Section 2</u> Procedure for Dealing with Short Term Sickness Absence | 2.1 Overview of Short Term Sickness Absence Procedure 2.2 Return to Work Interview 2.3 Occupational Health Referrals for Short Term Absence 2.4 Stage 1A Interview 2.5 Stage 1B Interview 2.6 Stage 2 Interview 2.7 Stage 3 Interview |
| <u>Section 3</u> Procedure for Dealing with Long Term Sickness Absence | 3.1 Overview of Long Term Sickness Absence Procedure 3.2 Contact During Long Term Absence 3.3 Initial Long Term Absence Review 3.4 Occupational Health Referrals for Long Term Absence 3.5 Stage 1A Interview 3.6 Stage 1B Interview 3.6 Stage 2 Interview 3.7 Stage 3 Interview |
| <u>Section 4</u> Appeals | 4.1 Levels of Authority for Interviews and Appeals |
| Forms/ Template Letters | <ul style="list-style-type: none"> ➤ Available on Connects |
| Related documents | <ul style="list-style-type: none"> ➤ Appendix 1: Maximising Attendance Triggers (Teachers) ➤ HR Guide: Breach of Notification and Certification Procedures ➤ HR Guide: Dealing with GP's Fit Notes including Phased Return ➤ HR Guide: Conducting Effective Return to Work Interviews ➤ HR Guide: Occupational Health Referrals and Reports ➤ HR Guide: Conducting a Stage 3 Interview ➤ HR Guide: Annual Leave and Sickness Absence |

| Version Number | Effective Date | Details of Last Revision |
|-----------------------|-----------------------|--|
| 1.1 | 22.07.14 | Updated onto new policy template and new numbering. |
| 1.2 | 21.08.15 | Updated to replace reference to Navigate with 'Connects' |

| | |
|-----------------------------------|--------------|
| Equality Impact Assessment | 30 June 2013 |
|-----------------------------------|--------------|

Section 1: Introduction

1.1 Why is Managing Sickness Absence Important?

1.1.1 North Ayrshire Council recognises that employees will, from time to time, be unable to come to work because of sickness. However, the Council regards high levels of attendance at work vital for the maintenance of an effective and efficient service to the community it serves and one of its principal aims is to maximise employees' attendance at work.

1.1.2 High levels of sickness absence are costly and disruptive and can lead to:

- Additional pressure being placed on work colleagues leading to higher levels of stress and low morale
- Loss of continuity for Service users
- Additional salary costs necessary to cover absences
- A poor reputation for North Ayrshire Council

1.1.3 Addressing sickness absence properly can also benefit employees by:

- Providing an opportunity for support and assistance from the Council through the absence
- Helping to identify work-related and non-work related issues
- Identifying clearly the attendance standards expected

1.2 Management Responsibility

1.2.1 Managers and Supervisors must manage and control their employees' attendance and absence and are accountable for the sickness absence levels of their staff.

1.2.2 In maintaining acceptable levels they must:

- Be supportive, treat every sickness absence as genuine (unless there is evidence that it is not, when the disciplinary policy and procedure should be invoked) and be clear this is not a disciplinary process
- Conduct a return to work interview after every sickness absence, try to establish the underlying reasons for frequent sickness absence and record the outcome of that interview
- Set targets for attendance improvement
- Seek medical advice from the Council's Occupational Health Service, where appropriate
- Warn the employee of the consequences of continuing unsatisfactory attendance including the possibility that it may lead to dismissal
- Conduct a timely monthly review of sickness absence to identify problem areas and develop constructive solutions to these problems.

1.3 Monitoring Sickness Absence

- 1.3.1 Services should monitor sickness absence by the creation of a monthly report which can be presented to their Senior Management Team (SMT). The report should detail the names of employees who have reached absence triggers, which stage of the formal procedure the employee has reached. The report should also include reasons for any non-progression through the stages of the procedure. Services should use CHRIS to produce these monthly reports wherever possible, however a spread sheet may be used. It is therefore, vital that the information on the CHRIS is kept up-to-date.
- 1.3.2 Services are expected to provide year-on-year improvements to their sickness absence statistics and agreed annual targets should be included in the Service plan.
- 1.3.3 Senior Managers will be accountable for managing sickness absence. The Corporate Management Team (CMT) will be updated through monthly reports for each Service; The Scrutiny committee will also be updated regularly.

1.4 Sickness Absence Reporting Procedures

- 1.4.1 Employees must fulfil the Notification and Certification Requirements set out in the Terms and Conditions of Employment. Where an employee does not fulfil their responsibilities under these procedures managers should follow the procedures set out in the HR Guide: Breach of Notification and Certification Procedures.
- 1.4.2 When an employee calls in to report their absence, this call should be taken by their line manager or designated person within the service.
- 1.4.3 The line manager/designated person should complete a Sickness Absence Reporting Form for the employee. This form has been designed to ensure that the reason behind the employee's absence is examined as early as possible and assistance from North Ayrshire Council offered from the outset.
- 1.4.4 Template letters are available to send which offer condolences on illness or hospitalisation and to wish the employee well.

1.5 Moving between Short and Long Term Absence

- 1.5.1 Absence can normally be categorised into two distinct types; short term or long term sickness absence.
- 1.5.2 The management action for managing short and long term absence differs slightly due to the pattern of the sickness absence. Therefore the Maximising Attendance Procedure has been split into two sections; Dealing with Short Term Absence and Dealing with Long Term Absence.

1.6 Representation

- 1.6.1 An employee may represent him/herself or chose to be represented at any of the stages of the Procedure where an employee is required or invited to attend a Stage 1/2/3 interview.
- 1.6.2 If a representative is chosen, the representative can only be one of the following in accordance with the Employment Relations Act, 1999:-
- a fellow employee; who is another North Ayrshire Council employee; or
 - a full time trade union officer or a lay trade union representative (but not necessarily of a union recognised by the Council) with experience of or has received training in acting as a worker's companion.
- 1.6.3 The employee shall provide to the manager concerned, verbal or written confirmation beforehand of the intention to be represented. The employee shall, wherever possible, also provide the name of that representative. Where that representative is a fellow employee, the employee being interviewed should consider any possible conflicts of interest that may arise through their choice of representative. The manager, however, can object to the chosen representative if a conflict of interest arises.
- 1.6.4 Reasonable time off should be given to allow the employee, fellow employee or lay representative to prepare before the interview and for the actual interview.
- 1.6.5 An employee can offer an alternative interview date where the representative cannot attend on the date proposed by management. However, the interview shall normally be re-arranged within five working days beginning with the working day after the day proposed by the manager.
- 1.6.6 The employee or representative shall take as full a part in the interview as possible and the employee and/or the representative has the right to address the interviewers and to ask questions. The representative does not have the right to answer on behalf of the employee who should respond to questions asked directly of him/her.
- 1.6.7 **An employee will have a right to appeal at the First Stage, Second Stage and Third Stage of both the short and long term procedure.** The appeal can be against either the facts (which led to their being seen under this procedure) or the outcome of their interview under this procedure. An employee shall also have an appeal against their dismissal, such an outcome only being possible at the Third Stage of the procedure. There shall only be one level of appeal within North Ayrshire Council. Please see [Section 4](#) for further details on appeals.

1.7 Guidance on Moving through Maximising Attendance Procedure

- 1.7.1 Moving within the procedure from the Stage 1A to the Stage 1B has a time limit of six months. Moving from a Stage 1B to at Stage 2 has a time limit of 9 months. Moving from a Stage 2 to a Stage 3 has a time limit of 12 months. Therefore, within that period of 12 months, an interview can be linked to the next stage. Where an employee improves their attendance in the appropriate monitoring period, they will normally no longer be in the procedure and their record cleared.
- 1.7.2 However, there may be occasions where an employee's absence is satisfactory, only to lapse very soon after the 12 month period as noted above. Where a pattern emerges and there is evidence of abuse of the system, the employee's record under the maximising attendance procedures should be borne in mind in deciding whether to move to the next stage of the procedure, or to repeat for another 12 months. After one repeat stage, normally further evidence of abuse will result in moving to the next stage.

Section 2: Short Term Sickness Absence

- 2.1.1 The purpose of the procedure is to address and resolve issues of sickness absence in a structured setting with the overall objective of improving attendance to an acceptable level. In pursuit of this objective, the employee shall be supported wherever possible. The process begins with the Return to Work Interview which the line manager must arrange after every sickness absence. Thereafter, Management will be expected to review the employee's short-term sickness absence and take appropriate action based on the triggers set out below.
- 2.1.2 *Managers will have discretion in certain circumstances to vary from this procedure; however any decision to vary from the procedure must be justifiable to the Head of Service/Director. Discretion should be requested using the Discretion Request Form and submitted to the Head of Service/Corporate Director. Where discretion is applied the manager must ensure that this is recorded on the Return to Work/Stage Interview Form and recorded on CHRIS. Discretion should be applied where the employee:*
- *Is absent due to a chronic illness/disease; or*
 - *has to undergo a surgical procedure or /requires hospitalisation which has a specified/expected date of recovery; or*
 - *has an underlying medical condition which may affect their attendance intermittently over a set period of time.*

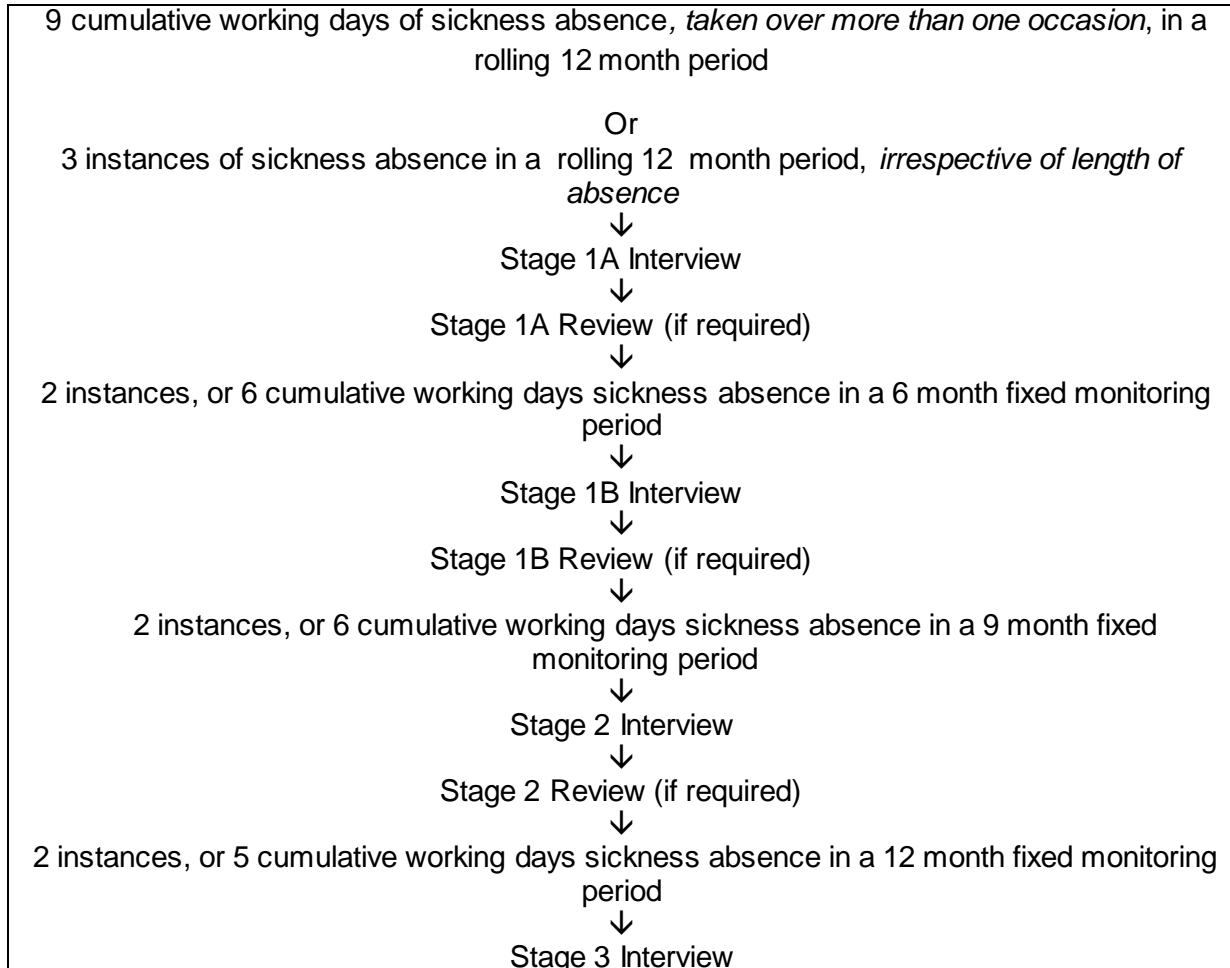
Consideration may also be given to the employee's previous attendance record.

Should the employee's absence extend beyond the original expected date of return, discretion should be removed and the employee met under the formal procedures.

Further to this, where a teacher has the occasion to attend for medical treatment, consideration will be given to the pre and post medical interventions required. Head

teachers are reminded that the Council's Special Leave Scheme should be utilised where appropriate to approve medical appointments and pre-post interventions.

2.1 Overview of Short-Term Absence Procedure



2.2 Return to Work Interview

After **every** absence

- 2.2.1 The disruption caused by frequent short term absence can often be worse than that caused by long-term absence as the ability to plan work is much harder.
- 2.2.2 After each absence the manager will conduct a Return to Work Interview with the employee. The Return to Work interview allows the manager to discuss the reason for the employee's absence and make any referrals to the Counselling Service/Occupational Health or other relevant support as soon as possible.
- 2.2.3 It is essential that the Return to Work interview is completed correctly before any formal attendance management action is taken to ensure that the employee:

- Is aware that there are concerns regarding their level of attendance
- Has been given the opportunity for improvement
- Is aware of the possible consequences of continued poor attendance

2.2.4 Managers should read and use the HR Guide: Conducting Effective Return to Work Interviews when meeting with employees on their return to work. The Return to Work meeting **must** be recorded on CHRIS.

| | |
|---|------------------------|
| 2.3 Occupational Health Referrals for Short Term Absence | Any stage in procedure |
|---|------------------------|

2.3.1 An employee can be referred to Occupational Health at any point during the Sickness Absence process. However, employees should only be referred where the Occupational Health Report will assist with the attendance management decision, for example where the employee cites an underlying medical condition as the reason for absence. Unrelated absences would not necessarily require a referral. Possible outcomes for short term absence referrals are:

- Confirmation that the employee has an underlying medical condition, which may continue to result in absences from work
- Confirmation that the employee has a medical condition, but which should not require further periods of absence
- Confirmation that there is no underlying medical condition that would necessitate absence from work
- Advice on reasonable adjustments to the workplace
- Confirmation that the employee has had a medical condition which has required frequent absence, but this has been resolved and should no longer require absence from work.

2.3.2 Please refer to the HR Guide: Occupational Health Referrals and Reports for advice on the Occupational Health referrals.

| | |
|-------------------------------|--|
| 2.4 Stage 1A Interview | Trigger: 9 cumulative working days of sickness absence, <i>taken over more than one occasion</i> , in a 12 rolling 12 month period OR 3 instances of sickness absence in a rolling 12 month period, <i>irrespective of length of absence</i> |
|-------------------------------|--|

2.4.1 Should an employee meet any of the absence triggers set out in the Managing Absence procedure above, they should be advised that they will be met under Stage 1A of the formal maximising attendance procedures.

2.4.2 A common sense approach should be taken to ascertain when it would be unreasonable to meet an employee under the procedure, despite hitting the

absence triggers, for example, where an employee's absence is directly attributable to a specific illness or recovery from a recent operation. In this instance the Stage 1A interview should be postponed for a reasonable time to allow the employee to make a full recovery.

- 2.4.3 The Stage 1A interview is designed to ensure the employee is aware of the seriousness of their poor attendance and to discuss in a formal setting, ways that this can be improved.
- 2.4.4 It is essential that the employee fully understands in what respect their attendance is unsatisfactory and that they are given an opportunity to explain any contributing difficulties to this situation. The employee will also be advised that if performance does not improve or there is a recurring pattern of sickness absence, they will be referred to the Stage 1B of the procedure.
- 2.4.5 **Stage 1A Attendance Target:**
The employee should be advised that they are in a fixed monitoring period for the next 6 months and will be called to a Stage 1B Interview if they have 2 occasions or 6 cumulative days of absence in 6 months, from the date of the Stage 1A Interview. The employee's attendance should be closely monitored over the 6 month period, a review meeting arranged if appropriate. The employee can appeal the Stage 1A interview outcome.

| | |
|-------------------------------|---|
| 2.5 Stage 1B Interview | Trigger: 2 occasions, or 6 cumulative working days in the 6 month monitoring period |
|-------------------------------|---|

- 2.5.1 If the sickness absence exceeds the target set out in the outcome of the Stage 1A meeting, the employee will be called to a Stage 1B interview. Again, it may be unreasonable to conduct the Stage 1B interview at this point, despite not meeting the attendance targets set at the Stage 1A interview. If the employee cites an underlying health problem as the cause of absence then an Occupational health report should be available prior to the Stage 1B interview.
- 2.5.2 The discussion and considerations at the Stage 1B interview should mirror the Stage 1A interview.
- 2.5.3 **Stage 1B Attendance Target:**
The employee should be advised that they are in a fixed monitoring period for the next 9 months and will be called to a Stage 2 interview if they have 2 occasions or 6 cumulative working days of absence in 9 months, from the date of the Stage 1B Interview. Review interviews should be arranged if appropriate. The employee can appeal the Stage 1B outcome.

| | |
|------------------------------|---|
| 2.6 Stage 2 Interview | Trigger: 2 occasions, or 6 cumulative working days in the 9 month monitoring period |
|------------------------------|---|

- 2.6.1 If the sickness absence exceeds the target set out in the outcome of the Stage 1B meeting, the employee will be called to a Stage 2 interview. Again, it may be unreasonable to conduct the Stage 2 interview at this point, despite not meeting the attendance targets set at the Stage 1B interview. If the employee cites an underlying health problem as the cause of absence then an Occupational health report should be available prior to the Stage 2 interview.
- 2.6.2 The discussion and considerations at the Stage 2 interview should mirror the Stage 1B interview.
- 2.6.3 **Stage 2 Attendance Target:**

The employee should be advised that they are in a fixed monitoring period for the next 12 months and will be called to a Stage 3 interview if they have 2 occasions or 5 cumulative working days of absence in 12 months, from the date of the Stage 2 Interview. Review interviews should be arranged if appropriate. The employee can appeal the Stage 2 outcome.

| | |
|------------------------------|--|
| 2.7 Stage 3 Interview | Trigger: 2 occasions, or 5 cumulative working days in the 12 month monitoring period |
|------------------------------|--|

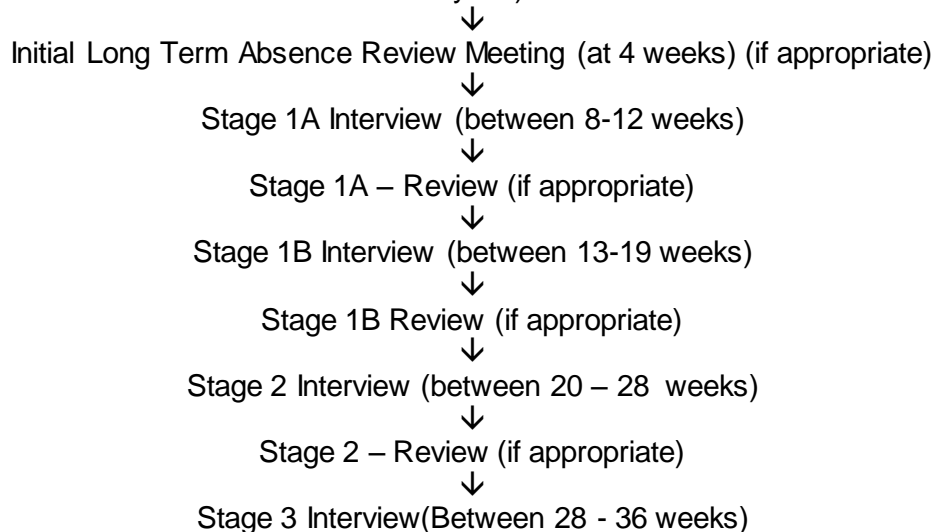
- 2.7.1 The third stage interview is normally the final stage and may result in the employee being dismissed or transferred. To assist in determining whether or not an employee should move to the third and final stage of the procedure, it is recommended that a Maximising Attendance Case Review be conducted and consultation with a HR Team Leader is undertaken prior to the interview being held.
- 2.7.2 The Corporate Director/Head of Service will consider all aspects of the case. Where the unsatisfactory attendance record has continued and the improvement plan has not been achieved or sustained, the Corporate Director/Head of Service shall have the authority to terminate the employee's employment on the grounds of incapability due to poor attendance record.
- 2.7.3 Where the employee is dismissed on the grounds of incapability, he/she shall be advised of their right to appeal against the decision of dismissal. A copy of the letter should be sent to the representative present at the interview, the employee and to the Head of HR and Organisational Development. The Employee can appeal the Stage 3 outcome.

Section 3: Long Term Sickness Absence

- 3.1.1 Research indicates the best support for employees with long term absence is through early and continuing absence discussions. This procedure has been designed to ensure that managers keep in contact with absent employees throughout the duration of their absence, continue to offer and discuss support mechanisms and advise the employee of the possible consequences of their continued absence.
- 3.1.2 Long term absence cases will be considered on their individual circumstances within the parameters set out in the procedure below.
- 3.1.3 *Managers will have discretion in certain circumstances to vary from this procedure; however any decision to vary from the procedure must be justifiable to the Head of Service/Director. Discretions should be requested using the 'Discretion Request Form' and submitted to Head of Service/Corporate Director. Where discretion is applied the manager must ensure that this is recorded on the Return to Work/Stage 1/2/3 pro forma and recorded on Chris.*
- 3.1.4 *Discretion should be applied where the employee;*
- Is absent due to a chronic illness/disease; or*
 - has to undergo a surgical procedure or requires hospitalisation which has a specified/expected date of recovery*
 - has an underlying medical condition which may affect their attendance intermittently over a set period of time.*
- 3.1.5 *Consideration may also be given to the employee's previous absence record.*
- 3.1.6 *Should the employee's absence extend beyond the original expected date of return, discretion should be removed and the employee met under the formal procedures.*

3.1 Overview of Long Term Absence Procedure

Reasonable Contact with employee during first 4 weeks of Continuous Absence (and beyond)



| |
|---|
| 3.2 Contact During Long Term Absence |
|---|

| |
|-------------------------------------|
| From 1 st day of absence |
|-------------------------------------|

- 3.2.1 When an employee is absent from work due to sickness it is important that contact is maintained. The responsibility to maintain contact rests equally with the line manager and employee.
- 3.2.2 To ensure that regular contact is maintained, employees must remain contactable during periods of absence and respond to letter and phone messages.
- 3.2.3 Managers should keep in contact to gain an understanding of when the employee expects to be back at work and any support the Council can provide to assist their recovery, as well as any work related matters and the possibility of working from home etc. The amount of contact will depend on the reason for absence.
- 3.2.4 Employees should also be advised that should their absence reach 4 continuous weeks then a Long Term Absence Initial Review Meeting will be arranged, and if there is no return before 8 weeks a formal meeting will be arranged under the Maximising Attendance Procedure.

| |
|---|
| 3.3 Initial Long Term Absence Review |
|---|

| |
|-------------------------------------|
| 4 weeks continuous sickness absence |
|-------------------------------------|

- 3.3.1 The initial review meeting should take place as soon as possible once the employee's absence reaches 4 continuous weeks. In the case of hospitalisation the initial review meeting should take place as soon as is reasonable.
- 3.3.2 The initial review meeting can take place at a Council building, at the employee's own home, an alternative mutually acceptable venue or over the telephone, depending on the employee's illness.
- 3.3.3 The review is designed to allow managers an opportunity to gain a better understanding of the reason for the employee's absence, when the employee is expected to return to work and any support that the Council can offer to aid the employee's recovery. The meeting will consider;
- When the employee expects to return to work
 - Any reasonable adjustments that can be made e.g. working from home, redeployment
 - Referrals to Occupational Health (see below)
 - Discuss with the employee the consequences of their continuing absence
- 3.3.4 Managers should use the 'Initial Long Term Absence Review Meeting' pro forma to assist with this discussion.

| | |
|---|---|
| 3.4 Occupational Health Referral for Long Term Absence | Any point in the procedure and repeat if required |
|---|---|

- 3.4.1 The manager must give serious and immediate consideration to the employee being referred to the Council's Occupational Health service as early as possible, or where appropriate to seek other medical opinion. **A referral must be made in all cases where an employee has been, or is likely to be, absent for six calendar weeks or more and there is no date identified for a return to work.** Muscular-skeletal and stress cases should be referred immediately.
- 3.4.2 The purpose of the medical referral will be to determine the following: -
- Whether or not there is an underlying health problem
 - The employee's fitness for his/her full range of duties or any alternative duties that the employee could carry out
 - The earliest date of return to work, where recovery is expected
 - Whether the employee has a disability as defined by the Equality Act 2010
- 3.4.3 North Ayrshire Council is required under the Equality Act 2010 to make reasonable adjustments to the physical conditions of their premises, furniture and/or equipment to assist disabled employees. Please see the 'Retention of Disabled Employees' policy for further information on your management responsibilities for disabled employees.
- 3.4.4 Please refer to the HR Guide to Occupational Health Referrals and Reports for advice on the Occupational Health referrals.

| | |
|-------------------------------|------------------------------------|
| 3.5 Stage 1A Interview | At 8 - 12 weeks continuous absence |
|-------------------------------|------------------------------------|

- 3.1.1 Long term absence is operationally difficult and it is appropriate to review the case and ensure an up-to-date Occupational Health report is available. Once the report is available, the employee will be invited to attend a Stage 1A Interview. This should be arranged from 8 weeks continuous sickness absence and no later than 12 weeks. All situations will vary depending upon the nature of the medical problems and the prognosis of the employee's condition.
- 3.1.2 The meeting will consider:
- Previous discussions with the employee
 - The employee's future employment prospects, other options such as reasonable adjustments, change in hours, redeployment and working from home.
 - the latest OH report and the employee's current and future capability;
 - Amended duties, Redeployment, Ill Health Retirement, support available

3.1.3 If the Occupational Health report indicates that the employee will be fit to return in 12 weeks or less, then a Stage 1A Review should be organised to discuss the employee's progress prior to the expected return date and ascertain if the date will be fulfilled. If the expected date of return is unknown or much longer than 12 weeks the employee is advised that if they are likely to be absent for up to 19 weeks a Stage 1B Interview will be arranged before the end of this period. The employee can appeal the Stage 1A outcome.

| | |
|-------------------------------|----------------------------------|
| 3.6 Stage 1B Interview | 13 – 19 weeks continuous absence |
|-------------------------------|----------------------------------|

3.1.1 The stage 1B interview will follow on from the Stage 1A interview. The Stage 1B should be arranged from 13 weeks continuous absence no later than 19weeks. All situations will vary depending upon the nature of the medical problems and the prognosis of the employee's condition.

3.1.2 The meeting will consider:

- Previous discussions with the employee
- The employee's future employment prospects, other options such as reasonable adjustments, change in hours, redeployment and working from home.
- the latest OH report and the employee's current and future capability;
- Amended duties, Redeployment, Ill Health Retirement, support available

3.1.3 If the Occupational Health report indicates that the employee will be fit to return before 20 weeks of absence, then a Stage 1B Review should be organised to discuss the employee's progress prior to the expected return date and ascertain if the date will be fulfilled. If the expected date of return is unknown or much longer than 20 weeks the employee is advised that if they are likely to be absent for up to 20 weeks a Stage 2 Interview will be arranged before the end of this period. The employee can appeal the Stage 1B outcome.

| | |
|------------------------------|--|
| 3.7 Stage 2 Interview | Between 20 and 28 weeks continuous absence |
|------------------------------|--|

3.7.1 Managers should ensure that an up-to-date Occupational health report is available before holding a Stage 2 Interview.

3.7.2 The employee will have the right to be represented by a trade union representative or to be accompanied by a work colleague.

3.7.3 The following options should be discussed:

- Ensure that reasonable adjustments are explored
- Consider any feasible redeployment
- Ill health retirement

- The employee should be informed that cases of significant long term absence cannot be sustained indefinitely and if there is no prospect of a return to work in the foreseeable future or ill health retirement, a Stage 3 Formal Interview will be arranged to consider dismissal

3.7.4 A Stage 2 review may be arranged to consider if the return to work plan is realistic as the time as the return to work date draws nearer. If the return to work is not planned and the employee is absent beyond 28 weeks the employee will be referred to a Stage 3 Interview to consider whether the Council can sustain their employment. The employee can appeal the Stage 2 outcome.

| | |
|------------------------------|---|
| 3.8 Stage 3 Interview | Between 29 – 36 weeks continuous sickness absence |
|------------------------------|---|

3.8.1 Following the completion of the Stage 1A, Stage 1B and Stage 2 interviews, cases of continuing long term absence will be referred to a Stage 3 Formal Capability Hearing. The purpose of the Stage 3 interview will be to consider whether there are any further actions that the Council can take to assist the employee in continuing their employment or, whether employment should be terminated due to the employee's continuing incapability to undertake their duties effectively because of their ill health.

A Stage 3 case review must be conducted prior to arranging a Stage 3 interview and a HR Team Leader conducted. The case review should consider;

- Up-to-date OH report
- Details of previous interviews held
- Details of other arrangements made by the Manager to support the employee
- Details of discussions on adjustments, phased return or redeployment
- Ill Health Retirement
- Any issues raised or comments expressed by the employee or their representative

When reaching a decision about whether or not to dismiss, the Head of Service/Corporate Director will consider any relevant information including the following;

- The impact of the employee's absence on other employees and service delivery
- The employee's absence record and the Occupational health advice received
- Representation made by the employee and/or their representative
- The expected date of return
- The employee's conditions of service, and in particular Part 2 Section 6 of the SNCT Handbook
- What actions have been taken/considered to enable the employee to continue in employment

Section 4: Appeals and Levels of Authority

- 4.1.1 An employee will have a right to appeal at the Stage 1A, Stage 1B, Second Stage and Third Stage of both the short and long term procedure.** The appeal can be against either the facts (which led to their being seen under this procedure) or the outcome of their interview under this procedure. An employee shall also have an appeal against their dismissal, such an outcome only being possible at the Third Stage of the procedure. There shall only be one level of appeal within North Ayrshire Council.
- 4.1.2** If the employee chooses to exercise their right of appeal, an appeal stating fully the grounds on which it is based, should be made in writing, using 'Notification of Appeal' form, either by the employee or by their representative on his/her behalf. The Appeal has to be made not more than 14 days from the day following the date on the letter notifying the member of staff of the result of the interview.
- 4.1.3** The appeal request should be sent to the management official named in the notification of the outcome of the interview at the First Stage and Second Stage and to the Head of HR and Organisational Development at the Third Stage.
- 4.1.4** The employee shall be given notice in writing of the time and venue of the Appeal Hearing.
- 4.1.5** At the Appeal Hearing, the senior Management Official shall have the power to revoke, confirm or vary the decision previously issued.
- 4.1.6** The result of the Appeal Hearing shall be notified in writing to the employee and his/her representative as soon as possible after the Appeal.
- 4.1.7 Levels of authority for interview and appeals**

| Interview | Interviewing Officer | Appeal heard by |
|--------------|--|---|
| Stage 1A | Headteacher | Manager senior to Interviewing Officer |
| Stage 1B | Headteacher | Manager senior to interviewing Officer |
| Second Stage | Appropriate Supervisor/Line Manager (e.g. Head of Service) | Manager senior to Interviewing Officer |
| Third Stage | Corporate Director/Head of Service or nominated officer | Appeals Committee of North Ayrshire Council |

Appendix 1 – Maximising Attendance Triggers (Teachers)

Short Term Absence

Return to Work Discussion:

After each absence



Employee met at **Stage 1A** if absence reaches:

9 cumulative working days of sickness absence, taken over more than one occasion, in a 12 month rolling period

OR

3 instances of sickness absence in a rolling 12 month period, irrespective of length of absence



Employee met at **Stage 1B** if absence reaches (from date of Stage 1A interview):

2 instances, or 6 cumulative working days in a 6 month fixed monitoring period



Employee met at **Stage 2** if absence reaches (from date of Stage 1B interview):

2 instances, or 6 cumulative working days in a 9 month fixed monitoring period



Employee met at **Stage 3** if absence reaches (from date of Stage 2 interview):

2 instances, or 5 cumulative working days in a 12 month fixed monitoring period

Long Term Absence

Initial Long Term Absence Review:

Conducted at 4 weeks continuous long term absence



Employee met at **Stage 1A** if absence reaches:

8 – 12 weeks continuous sickness absence



Employee met at **Stage 1B** if absence reaches:

13 – 19 weeks continuous sickness absence



Employee met at **Stage 2** if absence reaches:

20 – 28 weeks continuous sickness absence



Employee met at **Stage 3** if absence reaches:

29 – 36 weeks continuous sickness absence

Discretion

Discretion to vary from these procedures must be approved by Head of Service/Corporate Director. Discretion should only be applied where the employee;

- *Is absent due to a chronic illness/disease; or*
- *has to undergo a surgical procedure or /requires hospitalisation which has a specified/expected date of recovery; or*
- *has an underlying medical condition which may affect their attendance intermittently over a set period of time.*

Consideration may also be given to the employee's previous attendance record. Should the employee's absence extend beyond the original expected date of return, discretion should be removed and the employee met under the formal procedures.

Further to this, where a teacher has the occasion to attend for medical treatment, consideration will be given to the pre and post medical interventions required. Head teachers are reminded that the Council's Special Leave Scheme should be utilised where appropriate to approve medical appointments and pre-post interventions.