

Checklist of Factors to Consider – before taking action

Factors to consider when discussing absence and considering formal action ([Occupational Health](#) (OH) advice will be required for some factors):

v' Attendance levels during the trigger or improvement period and the last 2/3 years if appropriate (e.g. where previous patterns exist). (from My View or the Human Resources)

v' Are attendance levels:

- caused by a medical condition? Could it improve, stay the same or get worse? Is the GP/Hospital involved and what treatment/advice is currently being provided?
- showing a particular pattern (e.g. Fridays/Mondays, school holidays, linked to [Other Employment](#) AND/OR repeated and unrelated reasons?

v' Could the medical condition be considered a disability within the [Equality Act](#) or is the sickness absence [pregnancy related \(LINK\)](#)?

v' Is the sickness absence work related?

v' Are [support](#) arrangements or [reasonable adjustments](#) in place or required? If implemented, have they been effective and resulted in an improved attendance level?

v' What is the impact on the team/service provided? Are the employee's attendance levels:

- significantly lower than that of comparable employees?
- creating a particular operational difficulty?

v' Does the employee have any personal or domestic circumstances and are these are likely to improve? Has the employee taken proactive steps to improve attendance?

Timescales/Trigger Levels for Formal/Final Improvement action (usually 6 months):

v' What is the likely timescale of reasonable adjustments, conclusion of medical interventions, stress action plan, employee action, after which an improvement in sickness levels is expected?

v' What is a reasonable timescale in relation to notice /service and any absence patterns?

v' What is the impact upon the team and service delivery?

v' Consider whether trigger levels applicable for 12 months is appropriate or whether this should be reduced in line with timescale for improvement i.e. 6 months improvement = 1/2 the Councils trigger level applicable to a rolling 12 month period i.e. 2 or more occasions amounting to 2 or more working days or a total of 3 or more working days.

v' Please note: The expected improvement level may be relaxed where the employee is or is likely to be covered by the Equality Act 2010 whilst giving consideration to the impact on Service Delivery

Reviewing a Formal/Final Improvement period, factors to consider:

v' Has the required attendance standard been met? (i.e. regular attendance to below the triggers – unless advised otherwise by OH).

v' Are there significant and sustained improvements in relation to the above factors?

v' What is the nature and extent of the improvement?

Action Options at the conclusion of the meetings (examples for guidance – if unsure, refer to the Human Resources in advance of the meeting)

Attendance Meeting

Application of factors	Action
Absence levels unusual for the employee and are not likely to be sustained – ongoing support may be enough to return levels to below the triggers. Unusual set of circumstances for the employee.	No formal action – ongoing monitoring/ support
Numerous unrelated and repeated periods of absence with no underlying medical condition OR underlying medical condition but attendance levels too poor to be sustained.	Issue a formal improvement period
Exceptionally poor levels of attendance with no clear likelihood of improvement/ levels not sustainable in relation to continuous service. <i>Note: unless there is a significant and sustained improvement during the formal improvement period, resulting in no further formal action, the next step will be a Health Capability Hearing where consideration will be given to dismissal.</i>	Issue a final improvement period

Attendance Review Meeting(s)

Application of factors	Action
Levels improved to the expected standard	End of formal action. Ongoing monitoring
Levels still causing concern, some signs of improvement but not to the standard required (e.g. sickness improved for the first part of the period then worsened towards the end; adjustments in place and need longer to show results).	Extend a formal improvement notice.
Levels still very poor – irrespective of whether have improved or deteriorated	Issue a final improvement notice

Health Capability Hearing

Application of factors	Action
<p>Levels still significantly poor, some signs of improvement but not to the standard required (e.g. sickness improved for the first part of the period then worsened towards the end; adjustments in place and need longer to show results).</p> <p><i>Note: if levels improve to the expected standard during the extended improvement period, a further Health Capability Hearing will be held and no further formal action will be taken.</i></p>	Extend a final improvement notice
<p>Significantly poor or deteriorating levels and little or no sign of improvement.</p> <p>A Human Resources Officer from Human Resources must attend all hearings where dismissal is likely to be the outcome.</p>	Dismissal (with pay in lieu of notice)

Health Capability Transfer– a note

Transfer to another post can be appropriate at any stage in the process. This is only to be decided upon where evidence exists that attendance levels will improve as a result. Evidence will be obtained from an Occupational Health report.

Options following an Appeal (Independent Review or Appeal Hearing)

Information that has been collected	Outcome of the appeal
<p>No new information is presented that could have reasonably changed the decision reached by the Hearing. And/Or There is no evidence that the Hearing failed to follow the Council's Maximising Attendance Procedure and/or failed to act reasonably in considering the information collected.</p>	<p>The decision of the Hearing stands and the appeal is not upheld.</p>
<p>New information is presented that could have reasonably changed the decision reached by the Hearing. And/Or There is evidence that the Hearing failed to follow the Council's Maximising Attendance Procedure and/or failed to act reasonably in considering the information available.</p>	<p>The decision of the Hearing is overturned and the appeal panel reconsiders the action to be taken in relation to the information presented and attendance issues. Options for action are as for Attendance/Review Meetings and Capability Hearing.</p>