1. Purpose

Hampshire Constabulary is committed to supporting the wellbeing of Police Officers, Police Staff and Special Constables and to promote attendance at work. The policy and this how to guide define the framework for managing sickness absence and the steps managers and individuals must take to ensure attendance remains at an acceptable standard.

The intentions of the policy and this how to guide are to support the wellbeing of the workforce and to enable individuals to be well and in attendance at work. However, if, after intervention, an individual’s attendance is not at the required level, this policy provides a framework for managers to manage sickness absence appropriately.

All managers are responsible for supporting, monitoring and appropriately managing sickness absence within their command/department.

The Managing Sickness Absence policy and this how to guide have been written in compliance with the Police Regulations 2003, Police (Performance) Regulations 2012, the Home Office Guidance on Police Misconduct, Unsatisfactory Performance and Attendance Management procedures, the Code of Ethics for Policing and the Police Staff Council Handbook 2017.

All individuals are required to comply with the Managing Sickness Absence policy at all times.

This How to Guide must be read in conjunction with the Managing Sickness Absence policy.

2. Scope

The policy and this how to guide apply to the following staff groups:

- Police Officers (Chief Superintendent and below)
- Police Staff (including HC hosted units)
- Special Constables (of Independent Patrol Status).
For the purpose of this how to guide the above staff groups are referred to as individuals. Where a specific provision applies to a particular staff group this is explicit in the relevant how to guide section.

The policy and this how to guide do not apply to Police Officers or Police Staff in a probationary period, Volunteers, Contractors or Agency workers, including Tempforce.

Individuals of non Hampshire Constabulary bodies are excluded from the policy and this how to guide and should refer to their own employer’s policies and procedures.

3. How to use this document

Principles

This document accompanies the Managing Sickness Absence policy. It provides additional procedural information to underpin application of the policy. The document has been written in the second person to address the line manager, referred to throughout the document as ‘you’.

Throughout this guide, a ‘requirement’ is indicated by the word 'must'. The word ‘should’ is used to indicate actions or processes that are considered to be best practice.

All individuals must adhere to the Managing Sickness Absence policy when using this guide. Please note that the section numbering in the policy and this how to guide are not aligned.

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<th>Refer to the...</th>
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</tr>
<tr>
<td>Failure to report sickness absence or to provide a statement of fitness for work certificate</td>
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<td>An individual's concern(s) about a decision or action taken when applying the policy</td>
<td>HR Operations team for advice. If matters are related - use the meetings and appeals process within the policy. If matters are unrelated - run the policy and the Grievance policy concurrently. Or, in certain cases action under the policy may pause to address the grievance.</td>
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If you are unsure of which policy to use please contact HR Operations.
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4. Introduction

The Managing Sickness Absence policy and this how to guide are intended as positive and supportive tools to promote the wellbeing of individuals and to ensure attendance levels within the Constabulary remain at an acceptable standard.

The overall aim of the policy and this how to guide are to enable individuals to be well and in attendance at work. However if, after intervention, an individual’s attendance is not at the required level, the policy and this how to guide provide a framework for managers to manage sickness absence appropriately.

To attain the required attendance levels and realise the benefits that this can bring to the individual’s wellbeing, operational effectiveness and team morale; the principles of the Managing Sickness Absence policy and this how to guide must be embedded into your everyday management practice.

It is vital to address sickness absence concerns with the individual as early as possible. Timely and effective handling of absence concerns will help to ensure that the individual is supported to achieve the expected level of attendance. Effective absence management can prevent many absence concerns from escalating and your role is critical to ensure this happens.

At each stage of the policy and this how to guide the intention is to provide a framework through which the individual is made aware of absence concerns in a timely manner and is supported to be in attendance in their role.

Intended outcomes

The aims of the policy and this how to guide are to:

- improve and maintain attendance through early intervention and management action, supporting individuals to be well and in attendance at work
- manage absence positively, responsibly, consistently and equitably
- minimise the operational impact of sickness absence
- provide a framework for managing unacceptable levels of absence
- support a culture of good attendance within the Constabulary to deliver an effective service to the public we serve.
Key definitions (shown in alphabetical order)

Equality Act 2010 - a person has a disability for the purposes of the Equality Act 2010 if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

For Police Officers only - Limited Duties, as defined in Annex EE under Regulation 22 and 28A of the 2003 Police Regulations, came into effect in April 2015. There are now three new categories of limited duties; recuperative duties, adjusted duties and management restricted duties. Please refer to the guidance on Limited Duties for further information.

For Police Staff only - Health conditions without sickness absence – occur when an individual’s underlying medical condition has an impact on their ability to fulfil the full duties of their role but does not affect their attendance at work. These concerns may originate as a performance concern but further review might indicate they are more appropriately managed using the Managing Sickness Absence policy.

Statement of fitness for work certificate - also known as a ‘fit note’. Usually issued by a GP or a hospital doctor. The note will say the individual is either ‘not fit for work’ or ‘may be fit for work’ with recommendations on how this can be achieved.

Timescales – unless otherwise stated all references to ‘days’ in this how to guide refer to working days, regarded as Monday to Friday, excluding public holidays. Periods of notice that are specified indicate the number of clear days between (and exclusive of) the day the notice is served and the day of the meeting/ hearing.

How to identify and respond to an absence concern

If you are concerned about an individual’s sickness absence levels, you may find it useful to consider the following:

<table>
<thead>
<tr>
<th>Type of concern</th>
<th>How do I manage this concern?</th>
</tr>
</thead>
<tbody>
<tr>
<td>The individual has made a disclosure that is covered by the Equality Act 2010 that may impact upon their attendance</td>
<td>• discuss this with the individual and consider a referral to Occupational Health</td>
</tr>
</tbody>
</table>
| General concerns about an individual's absence levels (not reached/ not exceeded the trigger point) | Consider whether the individual has:  
• a history of sickness absence that shows trends or patterns, including a pattern of sickness absence on the same dates that leave has been declined  
• welfare concern(s)  
• had a discrete, isolated absence or you have concerns of frequent absence which has a negative impact on the individual's wellbeing, operational effectiveness or workload  
• shared any relevant information during their return to work interviews  
• shared any relevant information during previous Occupational Health advice that is current  
• absences that may be work related  
• other issues that may be affecting the individual's attendance at work  
• **extenuating circumstances**  
• disability related leave.  

If you require further support with preparing for mental health or wellbeing discussions please contact HR Operations for signposting to available resources or refer to Force Wellbeing toolkit on the Intranet pages. |
| Make arrangements to put relevant support in place. Support the individual to achieve attendance in their role. Seek Occupational Health advice and discuss with the individual whether a referral to Occupational Health is appropriate. Consider if further action is needed. | Consider what activity has previously been completed and whether the individual has:  
• had appropriate support, such as return to work interviews, informal discussion(s), Occupational Health referral or other support  
• had appropriate previous support and a pre-formal decision meeting is now necessary  
• informal or formal absence management that has already started |

| The individual has met or exceeded the absence trigger and there are no other factors which constitute **extenuating circumstances** - short term |  |
- **For Police Officers only** – cases can only move to the next stage of the policy if they are similar or connected to the absence concern referred to in a previous improvement notice, therefore more than one action/stage of the policy may be in progress at the same time. The officer must have been given a reasonable timeframe to achieve the required standard of attendance before moving to the next stage.

- where an improvement notice has already been issued – consider progressing to the next stage.

- **For Police Staff only** – unlike Police Officers, formal Police Staff cases can progress to the next stage even if the absence concern is different to the absence or absence(s) referred to in a previous improvement notice.

- **For Police Staff only** - where there is a long term attendance concern, consider progressing to the long term absence process. You must seek advice from HR Operations in such cases.

<table>
<thead>
<tr>
<th>For Police Staff only</th>
<th>There are various options such as:</th>
</tr>
</thead>
<tbody>
<tr>
<td>- the individual has met or exceeded the absence trigger and there are no other factors which constitute extenuating circumstances – long term</td>
<td>- commence the review stage</td>
</tr>
<tr>
<td></td>
<td>- seek Occupational Health advice and consider whether a referral to Occupational Health is necessary</td>
</tr>
<tr>
<td></td>
<td>- review the considerations in the short term absence section to determine what action(s) need to be completed.</td>
</tr>
</tbody>
</table>

A planned operation, a course of treatment or an underlying chronic illness or infectious disease – Police Officers and Police Staff

| | There are various options such as: |
| | - consider whether to apply your discretion as a manager. Given the circumstances it may be appropriate to take no further action at this time |
| | - if complications arise you may need to seek further advice from Occupational Health |
| | - if the duration of the absence becomes longer than initially anticipated, you may need to review the considerations in the short term absence section to determine what actions need to be completed. |
A medical condition which is very serious and potentially has a permanent effect on the individual’s ability to carry out their role

<table>
<thead>
<tr>
<th>For Police Officers only - possible unsatisfactory rating at end of year PDR process and linkage to assessment and recognition of competence guidance and the PDR process</th>
</tr>
</thead>
<tbody>
<tr>
<td>You must explain to the Officer at an early stage the likely outcomes for continued absence concerns in relation to the ARC and PDR processes. You must plan and consider the evidence necessary to validate a decision to take action under the Managing Sickness Absence policy. Pay progression cannot be withheld unless an Officer is being formally managed under the Managing Sickness Absence policy before the final PDR assessment decision is made. Further information is available in the Assessment and Recognition of Competence guidance and the PDR guidance.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>For Police Staff only - please refer to HR Operations.</th>
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</thead>
<tbody>
<tr>
<td>For Police Officers only - in such cases the issue of whether the individual is ‘permanently disabled’ within the definition used in ill-health retirement guidance must be considered.</td>
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</table>

If you are unsure of how to proceed, please contact HR Operations.

5. Short term sickness absence

**Definition**

**Short term sickness absence** - is a period or periods of sickness absence that are not continuous and are normally short term in duration. The absences may be for related or unrelated reasons. The impact of the absence is that an individual is unable to attend work regularly and consistently.

The Police (Performance) Regulations (2012) define unsatisfactory attendance as ‘the inability or failure of a Police Officer to perform the duties of the role or rank he or she is currently undertaking to a satisfactory standard or level’. In this context, this would be due to sickness absence during agreed hours of duty.
**For Police Staff only - long term sickness absence** - occurs when an individual is unable to return to work over an extended period due to an underlying medical condition or conditions. The line manager must seek advice from HR Operations in such cases.

Police Staff individuals may have episodes of both short term and long term sickness absence. The relevant stages of the policy will apply in such cases. The short term and long term processes may apply interchangeably in particular cases.

### Movement between the long term and short term processes

The principles of movement between the long term and short term processes will apply.

### Performance Development Review (PDR)

Every individual will have an annual performance development review (PDR). This should be the principal method by which an individual's performance and attendance is monitored and assessed.

**For Police Officers only** - Police Regulations (as amended in April 2015) require Forces to have a PDR process and that progression through the pay scales (for the ranks of Constable to Chief Inspector) is dependent on the Officer obtaining a satisfactory (or above) performance grade in their PDR. Further guidance is available in the PDR guidance. If an individual is rated as “not achieved” in their PDR then you must contact HR Operations for further advice.

### Policy stages

The possible stages are:
- informal stage
- formal stage one
- formal stage two
- formal stage three – may result in dismissal
- appeal at each formal stage.

### Trigger points – short term absence

Levels of absence must be monitored by you in accordance with the trigger points set by the Constabulary.

The Constabulary’s short term absence trigger points are:

**12 days or 4 occasions of absence in a rolling 12 month period, pro rata for part time individuals.**

A trigger point is a measure set by the Constabulary to monitor absence levels, the types of absence and absence trends. When an individual reaches or exceeds a trigger point you are notified via an absence trigger report. You can also view an individual’s absence record via the Manager’s Portal.

You will then need to decide whether there is a concern or whether
there are factors which amount to extenuating circumstances. An electronic record must be made of your decision.

The trigger point calculation is based on the FTE hours that an individual works. Guidance for calculating the absence trigger point can be found in appendix 1.

6. Informal stage

Informal stage

As a general principle you will seek to address an absence concern with the individual using the informal stage prior to using the formal stages.

You are expected to have open and transparent discussions with the individual to seek to address absence concerns. You must raise an absence concern with an individual promptly through a return to work interview or informal discussion.

If you are concerned about an individual’s absence levels and they have met a trigger point, you will need to determine how to manage this using the list of considerations.

For the avoidance of doubt you must make it clear to the individual that the return to work interview or informal discussion is part of the informal stage of the Managing Sickness Absence policy and is not a routine discussion.

Return to work interview

A return to work interview is proven to be one of the most effective interventions in managing sickness absence. The length and detail of the return to work interview should be proportionate to the reasons and length of absence and the number of absences in the 12 month rolling period.

You must make contact with the individual and hold a return to work interview upon their return to work following every occasion of sickness absence. You should conduct the return to work interview sensitively and in a manner that enables any particular circumstances to be addressed.

At the return to work interview you should discuss:

- general welfare - an opportunity to check the individual is fit to return to work
- whether a risk assessment needs to be completed
- any support that the individual may need such as reasonable adjustments, a referral to Occupational Health, access to the Employee Support Line or the online wellbeing resources via Occupational Health
- an appointment with the individual’s own GP
- whether all statement of fitness for work certificates have been provided if appropriate
- how the individual is taking responsibility for their own wellbeing
• whether the individual would benefit from additional support or intervention, particularly where there are concerns about their mental health and/or wellbeing
• whether the individual has any areas of concern which may have contributed to their absence
• any other aspects that relate to the individual's absence, such as accrual and booking of annual leave to avoid build up
• any relevant work updates
• the impact of their absence on their work
• next steps and policy advice.

If the end date for the absence and reason have not previously been recorded, you must record this information via the Manager’s Portal immediately following the return to work interview. Failure to do this may result in an incorrect payment to the individual.

Use the 'return to work interview' template to complete an electronic record of the return to work interview. Agree the record with the individual if possible. Share the record with the individual and keep an electronic copy for your records. You must also record the date of the return to work interview via the Manager’s Portal.

You will then need to decide whether there is a concern or whether there are factors which amount to extenuating circumstances. An electronic record must be made of your decision.

How to manage an informal discussion

If the individual is nearing or has reached the absence trigger point and you have completed previous return to work interviews, you can hold an informal discussion. The following points should be discussed:
• set out the nature of the absence concern(s) and provide clear tangible examples of when and why attendance has been unacceptable and/ or the impact upon service delivery or other team members as a result, using the absence trigger points and absence report for guidance. The reason for the absence concern(s) must be made clear to the individual and must be based on facts
• summarise the discussions that have been held during previous return to work interviews
• ask the individual to respond to these concern(s), explaining any reasons they feel may be relevant
• try to establish what the individual has done to address the concern(s)
• discuss with the individual whether there is any support, training or reasonable adjustments that may help to improve their attendance
• identify the standards of attendance expected, with examples where appropriate
• ensure you explain to the individual what is expected of them
• explain the next stages of the policy to the individual
• decide on an outcome and agree this with the individual if possible.
Possible outcomes of the informal stage

You must decide how the absence concern will be managed.

Possible outcomes of the informal discussion are:
- the individual provides mitigation and you determine that there is no longer an absence concern at this point and no further action is needed at this time. Continue to monitor absence levels
- to arrange a pre-formal decision meeting to determine whether the case will progress to formal stage one.

You will also need to:
- explain why the individual's current absence level is a cause for concern
- discuss how the individual may improve their attendance
- make a referral to Occupational Health if appropriate
- consider reasonable adjustments if appropriate
- identify any support/development/training needs and put in place as appropriate
- set a realistic timescale within which an improvement needs to take place and a review meeting is scheduled
- provide a clear statement that failure to improve may lead to progression to a pre-formal decision meeting to determine whether or not the case will progress to formal stage one of the Managing Sickness Absence policy.

Use the ‘record of informal discussion’ template to complete an electronic record of the discussion. Agree the record with the individual if possible. Share the record with the individual and keep an electronic copy for your records.

You must also record the date of all return to work interviews and informal discussion(s) via the Manager’s Portal.

How to progress from the informal stage to formal stage one

If you have continued concerns about an individual’s absence levels following return to work interviews or informal discussion(s), you should discuss this with them as soon as possible.

The individual must have been given a reasonable timeframe to achieve the required standard of attendance.

You must consider reasonable adjustments as a matter of priority and a way to support the individual before commencing the formal stages of the Managing Sickness Absence policy.

Where you are not satisfied that an individual’s attendance has met the standard required during management under the informal stage, or if an initial improvement is not sustained, you must hold a pre-formal decision meeting with the individual to determine whether or not the case will move to be managed under formal stage one.
For Police Officers only - you must consider a possible unsatisfactory rating at end of year PDR process and linkage to the Assessment and Recognition of Competence (ARC) guidance and the Forces PDR guidance. You must explain to the Officer at an early stage the likely outcomes for continued sickness absence in relation to the ARC and PDR processes, action under the formal stages of the Managing Sickness Absence policy and how this may affect pay progression.

Further information is available in the Assessment and Recognition of Competence guidance and the PDR guidance.

The purpose of the pre-formal decision meeting

The purpose of the pre-formal decision meeting is to determine whether or not the case will proceed to a formal stage one meeting.

This meeting is not a formal meeting/ hearing. It does not include issuing a sanction. This is a short decision-making meeting and should not stray into discussions that will take place at a formal stage one meeting, if this is decided.

You will consider any information or representation that is shared with you at the pre-formal decision meeting when reaching a decision on how to proceed.

You will decide how to progress with management of the individual's absence following the pre-formal decision meeting. Each case will be treated on its own merits.

How to invite the individual to a pre-formal decision meeting

You must provide the individual with reasonable notice of the pre-formal decision meeting to enable the individual to arrange appropriate representation. If the individual or representative cannot attend the date provide you must mutually agree a date without unreasonable delay.

Who chairs the pre-formal decision meeting

<table>
<thead>
<tr>
<th>Stage</th>
<th>Chair</th>
<th>HR adviser to the panel</th>
<th>Right to be represented/ accompanied</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-formal decision meeting</td>
<td>Line manager</td>
<td>Optional dependent on the case</td>
<td>Yes</td>
</tr>
</tbody>
</table>

How to manage the pre-formal decision meeting

You must:

- outline the purpose of the pre-formal decision meeting, introduce attendees and confirm housekeeping arrangements (for example toilets, fire alarm)
- explain the possible outcomes of the pre-formal decision meeting
- explain that this is not a formal meeting/ hearing, no detailed evidence or mitigation will need to be included and there is no sanction given as a result of this meeting
ensure that the meeting is concise. A short meeting to determine next steps is the sole purpose of the pre-formal decision meeting and this should not be allowed to stray into points that are covered at a formal stage one meeting, if this is decided.

- discuss the absence concerns and the support/ measures put in place during the informal stage of the policy
- ask the individual or the representative/ companion if they have any information to be considered
- consider all information in order to inform your decision
- decide on the outcome
- inform the individual of the decision
- keep a written record during the meeting to refer to when reaching a decision.

**Possible outcomes of the pre-formal decision meeting**

You must decide whether or not it is appropriate:

- to proceed to a formal stage one meeting
- not to proceed to a formal stage one meeting at this time - to remain at the informal stage and continue to monitor/ support the individual as appropriate
- to postpone your decision pending further action as appropriate, for example obtaining Occupational Health advise.

Should your decision be to proceed to a formal stage one meeting the individual must be invited to a formal stage one meeting in line with the requirements set out in the formal stage section of this how to guide without unreasonable delay. It is then the responsibility of the chair of the formal stage one meeting to hear the evidence/ mitigation and to determine the formal outcome in line with the relevant process.

Use the 'pre-formal decision meeting' template to complete an electronic record of the meeting. Agree the record with the individual if possible. Share the record with the individual and keep an electronic copy for your records. You must also record the date of the pre-formal decision meeting via the Manager’s Portal.

There is no right of appeal against the outcome of the pre formal decision meeting.

**7. Formal stage**

**Principles**

The individual must have been notified of progress to the formal stage at a pre-formal decision meeting before moving to formal stage one of this process.

**HR Operations must be informed of all sickness absence concerns that are moving to be managed under the formal stage.**

**For Police Officers only** - Police Officer cases can only move to the
next stage of the policy if they are similar or connected to the absence concern referred to in a previous improvement notice. Therefore more than one action/ stage of this policy may be in progress at the same time. The finding and outcome of each action/ stage must be considered on its individual merits. It should not be prejudiced by the fact that another action/ stage is in place.

*In the context of absence, an absence concern may relate to:
  - the pattern and length of absence(s)
  - the nature of the illness, injury or condition
  - the likelihood of the illness, injury or condition recurring
  - the impact on workload/ Force performance
  - the officer’s cooperation with supportive action taken under this policy.

The line manager must treat each case on its merits and consider all relevant information available to them when deciding how the absence concern will be managed.

**For Police Staff only** – unlike Police Officer cases, formal Police Staff cases can progress to the next stage even if the absence concern is different to the absence or absence(s) referred to in a previous improvement notice. In such cases you must seek advice from HR Operations.

You must consider reasonable adjustments as a matter of priority and a way to support the individual throughout application of the Managing Sickness Absence policy and how to guide.

**How to progress through the formal stages**

Progression through the formal stages normally occurs where sickness absence levels continue to be a concern whilst a written improvement notice is active. You do not have to wait until the end of the action plan or improvement notice to discuss this with the individual if there are concerns during the improvement notice validity period.

Where you are not satisfied that an individual’s attendance has met the standard required during a live improvement notice, or if an initial improvement is not sustained, this may be progressed to the next formal stage, as follows:

**For Police Officers only** – if the sickness absence concerns* are unrelated, more than one action/ stage of the policy may be live at the same time. It is important that you consider and manage the issues separately and under the correct stage of the policy in such cases. The finding and outcome of each action/ stage must be considered on its own merits. It should not be prejudiced by the fact that another action/ stage is in place.

* In the context of absence, an absence concern may relate to:
• the pattern and length of absence(s)
• the nature of the illness, injury or condition
• the likelihood of the illness, injury or condition recurring
• the impact on workload/ Force performance
• the officer’s cooperation with supportive action taken under this policy.

The line manager must treat each case on its merits and consider all relevant information available to them when deciding how the absence concern will be managed.

For Police Staff only - you may only progress through the formal stages where you are satisfied that:
• an individual’s attendance has not met the standard required during management under the previous formal stage
• an initial improvement has not been sustained during an active improvement notice
• there has been little or no improvement during an active improvement notice
• there is a history and pattern of sickness absence over a prolonged period of time which continue to give cause for concern, despite there not being an active improvement notice. In such cases there may be grounds upon which to move to any stage of the policy. A history of sickness absence concerns may be identified by a record of previous written improvement notices and/ or where there are examples to show that the individual has been unable to sustain the required attendance levels.

For Police Officers and Police Staff - if absence resumes shortly after a review period or warning expires, or within the following 12 month period, action at the same or next stage can be considered with advice from HR Operations.

The individual must have been given a reasonable timeframe to achieve the required standard of attendance at each of the formal stages.

How to invite the individual to a formal stage one or formal stage two meeting

The chair must write to the individual to invite them to a formal meeting.

Where possible, the date and time for the meeting should be agreed between the chair and the individual. If a mutually convenient date is not reached, the chair must specify a date.

The letter must include the following information:
• details for determining the date and time of the meeting including the process if the individual requests an alternative date
• a summary about why the absence is unsatisfactory, which is clear and evidenced. Please see the sharing of information section for further details
• the possible outcomes of a formal stage two meeting and formal stage three hearing
• that the line manager may attend the meeting
• if the individual agrees, any other person specified in the notice may attend the meeting
• prior to the meeting, the individual must provide the chair with any documentation they intend to rely on in the meeting
• that the individual has the right to be represented/ accompanied

For Police Officers and Special Constables only - that a Human Resources professional or Police Officer (who should have experience of the policy and be independent from the management chain) may attend to advise on points of proceedings

For Police Staff only - that a Human Resources professional (who should have experience of the policy and be independent from the management chain) may attend to advise on points of proceedings.

Use the template to ensure all the necessary information is included.

How to invite the individual to a formal stage three hearing

Prior to a formal stage three hearing, up to date OH advice must be obtained from the OH Doctor to determine whether medical redeployment or ill health retirement are suitable options and to ensure you have the most up to date information. HR Operations or the line manager must advise OH that formal stage three action is being considered in such cases.

The chair must write to the individual to invite them to a formal hearing.

The formal stage three hearing should take place no later than 30 working days after the date in the invite letter. Within that timeframe wherever possible, the date and time for the hearing should be agreed between the chair and the individual. Where agreement cannot be reached, the chair must specify a date and time.

If the chair considers it to be in the interests of fairness to do so, they may extend the 30 working days’ notice. The reasons for the extension must be notified in writing to the individual.

The letter must include the following information:
• the hearing will be with a panel
• details for determining the date and time of the hearing including the process if the individual requests an alternative date
• a summary about why the absence is unsatisfactory, which is clear and evidenced. Please see the sharing of information section for further details
• the possible outcomes of a formal stage three hearing
• that the line manager may attend the meeting
• if the individual agrees, any other person specified in the notice may attend the hearing
• prior to the meeting, the individual must provide the chair with any documentation they intend to rely on in the meeting
• that the individual has the right to be represented/ accompanied
• For Police Officers and Special Constables only - that a Human Resources professional or Police Officer (who should have experience of the policy and be independent from the management chain) may attend to advise on points of proceedings
• that counsel or a solicitor may attend to advise on points of procedure and on any question of law that may arise
• For Special Constables only - that a member of the Special Constabulary will attend the hearing to advise the panel
• For Police Staff only - that a Human Resources professional (who should have experience of the policy and be independent from the management chain) may attend to advise on points of proceedings.

Use the template to ensure all the necessary information is included.

**Alternative date**

If the individual or their representative/companion are not available at the date and/or time specified by the chair, the individual may propose an alternative date and/or time. This is provided that the alternative time is reasonable and falls within a period of 5 working days beginning with the first working day after that specified by the chair. In such cases the meeting/hearing must be postponed to that time.

Once the date for the meeting/hearing is fixed, the chair should send the individual a letter to confirm the date, time and place.

If the individual is unable to attend or fails to attend the re-arranged meeting/hearing, the chair must decide whether to proceed with the meeting/hearing in their absence.

**Sharing of information**

You and the individual are required to exchange details of all relevant papers and supporting evidence in advance of the meeting/hearing. Management documents will be supplied with the invitation letter, including any appeal information from the previous formal stage.

Dependent on the nature and complexity of the absence concern, you may produce a management record.

A simple record of the concerns and notes of previous return to work interviews, informal discussion(s) and the pre-formal decision meeting may be all that is required during the early stages of the process.

Alternatively, a template management report is available to help you
compile relevant information in more complex cases and at formal stage three. The length and detail of the report will be proportionate to the absence concern and the stage in the policy.

The individual, or their representative/companion, must submit their information to arrive with the chair a set number of working days before a meeting/hearing, as follows:

- stage one – 2 working days
- stage two – 2 working days
- stage three – 10 working days.

The individual will be provided with two copies of all documents that will be provided to the chair/panel in advance of the meeting/hearing, one for them and one for their representative/companion.

In exceptional circumstances, either party may need to submit additional information to the chair/panel, for example medical information that was not available when the paperwork was provided. If this is known at the time of providing the paperwork, the individual/manager should make the chair aware. If it is not known, this information must be shared as soon as possible and wherever possible provided to the chair in advance of the meeting/hearing.

If the information is only available on the day of the meeting/hearing, the individual/manager must provide copies of the document(s) to the chair/panel at the start of the meeting/hearing along with the reasons why they wish to submit the additional document(s). The presumption is that any such document(s) or material will not be permitted unless it can be shown that they were not previously available to be submitted in advance.

The chair/panel must decide whether to accept or decline the additional document(s). If the panel is undecided the chair has the final decision on whether to accept or decline the new document(s).

If a decision is made to accept the additional information this must be noted, added to the existing paperwork and time must be given to allow all parties to read the documentation.

**Multiple instances of unsatisfactory attendance – for Police Officers only**

There may be circumstances where there are multiple instances of unsatisfactory attendance. A further concern may arise prior to arrangements being made for a formal stage one meeting. In such cases, the two issues can be consolidated at the stage one formal meeting, provided all meeting arrangements are adhered to.

If this is not possible then the formal stage one meeting should either be rearranged so that the multiple instances of unsatisfactory attendance can be discussed in one meeting or progress with separate meetings and discuss the matters independently.
### Who chairs the formal meeting/ hearing – Police Officers

<table>
<thead>
<tr>
<th>Stage</th>
<th>Chair/ panel members</th>
<th>HR adviser to the panel</th>
<th>Right to be represented/ accompanied</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stage one</td>
<td>Line manager</td>
<td>Optional dependent on the case</td>
<td>Yes</td>
</tr>
<tr>
<td>Stage two</td>
<td>Second line manager (or equivalent manager if second line manager heard the previous stage appeal)</td>
<td>Optional dependent on the case</td>
<td>Yes</td>
</tr>
<tr>
<td>Stage three – Police Officers</td>
<td>A panel of three: 1. Assistant Chief Constable, a member of Police Staff in the equivalent grade/ role, or an equivalent standing Senior HR representative as Chair 2. A Superintendent or Chief Superintendent or HR Manager of equivalent grade 3. One of the following: a Police Officer of at least the rank of Superintendent or a member of Police Staff in the equivalent grade/ role</td>
<td>Optional dependent panel composition</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>A panel of three: 1. Chief Specials Officer or Deputy Chief Specials Officer as Chair 2. Specials Co-ordinator providing HR advice 3. District Officer from a different district to the individual or counsel or a solicitor</td>
<td>Optional dependent on panel composition</td>
<td>Yes</td>
</tr>
</tbody>
</table>
### Stage three – District Officers

A panel of three:  
1. Partnerships and Neighbourhoods Chief Inspector as Chair  
2. Specials Coordinator  
3. an Extended Police Family Inspector or counsel or a solicitor  

Optional dependent on panel composition  
Yes

### Stage three – Deputy Chief Specials Officers and Chief Specials Officers

A panel of three:  
1. Assistant Chief Constable or a member of Police Staff in the equivalent grade/ role as Chair  
2. Superintendent or Chief Superintendent or HR Manager of equivalent grade  
3. One of the following: a Police Officer of at least the rank of Superintendent, a member of Police Staff in the equivalent rank; counsel or a solicitor or Deputy Chief Specials Officer (for Specials)

Optional dependent on panel composition  
Yes

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**For Police Staff only**

**Who chairs the formal meeting/ hearing – Police Staff**

<table>
<thead>
<tr>
<th>Stage</th>
<th>Chair/ panel members</th>
<th>HR adviser to the panel</th>
<th>Right to be represented/ accompanied</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stage one</td>
<td>Line manager</td>
<td>Optional dependent on the case</td>
<td>Yes</td>
</tr>
<tr>
<td>Stage two</td>
<td>Second line manager (or equivalent manager if second line manager heard the previous stage appeal)</td>
<td>Optional dependent on the case</td>
<td>Yes</td>
</tr>
</tbody>
</table>
### The remaining detail in this section applies to all individuals

**Panel conditions**

Panel members should be senior to the individual concerned and must not have had previous involvement in the case.

Panel members must declare any conflict of interest of involvement in the meeting/hearing prior to the meeting/hearing so that an alternative panel member can be found.

The HR Adviser to the panel does not perform a decision making role. Their function is to provide advice on legal issues, correct application of the policy and how to guide and procedural matters.

**For Police Officers and Special Constables only** - a Police Officer, who is independent of the management chain, can also attend the formal meeting to advise on proceedings at a formal stage one or formal stage two meeting. At a stage three hearing an HR Adviser, Police Officer, counsel or solicitor may attend to advise the panel on points of proceedings.

The chair may appoint Police Officers or Police Staff managers from another Force to be members of the panel.

**For Special Constables only at a formal stage three hearing** - the chair will appoint a member of the Special Constabulary to attend the hearing to advise the panel.

The Special Constable advising the panel must have sufficient seniority and experience of the Special Constabulary to be able to advise the panel.

The Special Constable advising the panel can be a Police Officer serving in a different Force.

The Special Constable adviser will not form part of the panel and will not have a role in determining whether the individual's attendance is unsatisfactory.

In arranging a formal stage three hearing involving Special
Constables, consideration should be given to the fact that the individual(s) are unpaid volunteers and may therefore have full time employment or other personal commitments.

**Objection to the panel - stage three hearing**

At a stage three hearing the individual may object to panel member(s) in writing to HR Operations, stating the reasons, no later than 3 working days after receipt of the written notice of the hearing.

HR Operations will liaise with the chair/ panel to determine whether the objection is upheld and an alternative chair/ panel member will need to be found or if the hearing will proceed with the original chair/ panel members. This will be considered in line with the panel conditions criteria.

HR Operations will provide a written response to the individual to confirm the outcome of their objection. This will include the name(s) of any new chair/ panel member(s) if appropriate.

The individual can object to the newly appointed chair/ panel member in the same way as outlined above.

**Other meeting/ hearing attendees**

Other meeting/ hearing attendees may include:
- where the manager is not the chair of the meeting/ hearing, they (and an HR representative if required) may attend to present the absence concerns and actions taken to date
- witness(es).

**Witnesses - for a formal stage three hearing only**

Before the end of 3 working days after receipt of any information that the individual has supplied to the chair, both parties must supply either a list of witnesses they intend to call or give notice that they do not have any witnesses. Where witnesses are proposed, this must be accompanied by brief details of their evidence.

The chair will decide which witnesses, if any, should attend the hearing.

The chair can also determine that witnesses not named can attend to provide evidence if appropriate.

A witness will only be invited to give evidence where the chair believes it is necessary in the interests of fairness for the witness to do so. The witness will be provided with notice of the hearing date, time and venue.

**Individual’s response to the written notice of a formal stage three hearing (invite letter) – for Police Officers only**

For Police Officers only - when an individual has been given written notice of a formal stage three hearing, they must provide the chair (in accordance with the appropriate timescale) with written notice of the following information:
- whether they accept their attendance has been unsatisfactory and any written submission they wish to provide in mitigation
- whether they do not accept their attendance has been
unsatisfactory or where they dispute any matters referred to in the written notice

- the matters they dispute and their account of relevant events
- any arguments on points of law that the individual wishes the chair/panel to consider.

The individual must provide the chair with any document(s) they wish to rely on at the formal stage three hearing.

**How to manage a formal meeting/hearing**

The chair of the meeting/hearing must:

- outline the purpose of the meeting/hearing, introduce attendees and confirm housekeeping arrangements (for example toilets, fire alarm)
- **for hearings only** - confirm whether the hearing will be audio recorded. In exceptional circumstances this may also apply to a meeting for a highly complex case
- explain the possible outcomes of each stage of the policy
- identify the absence concerns and discuss the measures put in place during any previous stage(s) of the policy, referring to any documents or examples - or ask the manager to do so
- ask the individual to respond, referring to any documents or examples, or the representative/companion can do this on their behalf
- invite all parties to ask questions at the appropriate point
- adjourn the meeting/hearing, if necessary, to consider the evidence and decide on the outcome
- reconvene the meeting/hearing in the case of an adjournment
- notify the individual of the outcome
- keep a written record during the meeting/hearing to refer to when reaching a decision and to help with producing the outcome letter
- inform the individual of the decision.

**Attendance at each formal meeting/hearing**

Although an individual may have an illness or disability which means they are unfit for work, this may not affect their ability to attend a formal stage meeting/hearing. If the individual is not fit to attend the meeting/hearing, it may be deferred until they are fit to attend.

A meeting/hearing will not be deferred indefinitely because the individual is unable to attend, although every effort should be made to make it possible for the individual to attend if they wish to do so. For example, the meeting may be deferred if the individual is in an acute phase of a serious physical illness which may be for a short duration or if the individual is recovering from a physical injury but will be fit to attend in a reasonable timeframe.

Where, despite such efforts having been made and/or the meeting/
hearing being deferred, the individual either persists in failing to attend or maintains their inability to attend, the chair will need to decide whether to continue to defer the meeting/ hearing or to hold the meeting/ hearing in the absence of the individual. The chair must decide on the most appropriate course of action.

**Delays to a formal stage three hearing**

If the individual informs the chair that they are unable to attend the formal stage three hearing, on grounds of which the chair considers are reasonable, the chair may allow the individual to participate by telephone conferencing or other means.

In cases where the individual is absent, for example through illness or injury, a short delay may be reasonable to allow the individual to attend.

If this is not possible or any delay is considered not appropriate in the circumstances, the chair may allow the individual to participate by telephone conferencing or other means. In these circumstances the individual's Staff Association, Federation or Unison representative, Police Friend or work colleague may attend the hearing in person to represent the individual in the normal way.

**Possible outcomes of a formal stage one and formal stage two meeting**

The chair/ panel must decide whether:

- the case is mitigated and there is no further action OR
- no formal action is required - the required improvement and/ or alternative action is stated OR
- an improvement notice is issued and is valid for:
  - stage one: first improvement notice - 12 months
  - stage two: final improvement notice - 12 months OR
- a previous improvement notice is extended.

The following must be explained to the individual, with management input, in order to support them to achieve an improvement:

- the specific improvement in attendance required and their responsibility to make a positive improvement to their attendance
- attendance targets and the associated timescale within which these should be achieved
- if sufficient improvement is not made within the review and validity period, the individual may be required to attend a formal stage two meeting or a formal stage three hearing
- any additional support or development/ training required to help the individual to achieve the attendance standards
- suitable dates to schedule the 3, 6, 9 & 12 month review meetings
- whether a referral to Occupational Health is appropriate
- whether any adjustments need to be considered and/ or implemented where reasonable to do so
- confirm that the individual has the right of appeal against the formal outcome.
The chair of the meeting must also explain the following:

- the outcome
- the reasons for the decision
- the right of appeal
- the date by which an appeal must be submitted in accordance with the principles of timescale to lodge an appeal.

Working with the individual, it may be helpful to draft an action plan which reflects the key outcomes from the meeting and associated timescales. Agree this with the individual if possible. Share the record with the individual and keep a copy on the electronic personnel file (ePF) on Hantsfile.

Where an individual is required to attend a formal stage two meeting, the chair may decide the outcome is that there has been an improvement so no further action is required. In such cases, the chair should make the individual aware that they may still be required to attend another formal stage two meeting if they do not maintain their improvement within the 12 month validity period of the improvement notice.

Possible outcomes of a formal stage three hearing

The chair/panel must decide whether:

- the case is mitigated and there is no further action OR
- no formal action is required - the required improvement and/or alternative action is stated OR
- the previous final improvement notice is extended. The chair/panel will specify a new period within which improvement to attendance must be made. The 12 month validity period of the extended final improvement notice will apply in full from the date of the extension. The chair/panel may also vary any of the terms of the notice OR
- to dismiss on the grounds of unsatisfactory attendance/medical capability OR
- for Police Officers only - to redeploy the individual to alternative duties, which may include a reduction in rank. The principles of posting/redeployment will apply OR
- for Police Officers only - to consider ill health retirement OR
- for Police Staff only - to withhold a performance related increment (not cost of living increment) OR
- for Police Staff only - to move the individual to a different role (if one is available) which may involve a down grading in pay. The principles of posting/redeployment will apply.

If the panel are unable to reach a decision:

- for Police Officers and Special Constables only - the outcome will be based on a majority vote. The individual does not have to be told whether the decision was unanimous or by a majority OR
- for Police Staff only - the final decision making
authority rests with the chair.

The chair of the hearing must also explain the following:
- the outcome
- the reasons for the decision
- the right of appeal
- the date by which an appeal must be submitted in accordance with the principles of timescale to lodge an appeal.

The individual must be supported to achieve an improvement as per the list above, except where a dismissal takes place.

The individual may receive a written improvement notice and associated action plan. In such cases, a copy of the improvement notice must be placed on the individual's electronic personnel file (ePF) on Hantsfile for the specified number of months.

If a dismissal takes place you must complete the e-leaver form which will also cancel the individual’s IT account and obtain the warrant or identity card. You must also complete the other leaver requirements.

For Police Officers and Special Constables only - if the individual is attending a further formal stage three hearing, the outcomes of assessment of final and extended final improvement notices issued at a previous formal stage three hearing apply.

How to confirm the decision

The chair must advise the individual of the outcome at the meeting/hearing and confirm this in writing.

The chair of the meeting/hearing must send a letter to the individual to confirm the outcome. Use the template to ensure all the necessary information is included.

The letter is sent ideally on the same day as the meeting/hearing but if not within 3 working days of the meeting/hearing and a copy placed on the individual’s electronic personnel file (ePF) on Hantsfile.

You must record the date of the formal meeting(s) via the Manager’s Portal.

How to issue an improvement notice

The outcome letter will include details of any formal improvement notice. This will be the formal record of the sanction given at the relevant formal stage. It will be valid for 12 months. If an improvement notice is extended, this will be valid for the duration of the extension.

The improvement notice should also inform the individual of the possible consequences if an improvement is not made or maintained within the review period or validity period.
The improvement notice must also inform the individual that if they do not wish to appeal, they can submit written comments relating to the outcome letter and improvement notice if they wish to do so.

Any written comments must be submitted to the relevant manager no later than 7 working days after receipt of the outcome letter and improvement notice. Any written comments must be placed on the individual’s electronic personnel file (ePF) on Hantsfile. If the individual has appealed they cannot submit written comments about the improvement notice.

The period for improvement and the validity period of an improvement notice will not include any duration that the individual may be absent from work on a career break. In such cases the improvement validity period will pause during the career break and will restart when the individual returns to work and continue until the validity period has been fulfilled.

In exceptional circumstances you may need to extend the review period. This will be applicable if for example the individual has not had sufficient time to improve due to an emergency deployment to other duties or an extended period of unpaid leave, extended annual leave or long term sickness absence. This will not normally extend the improvement notice beyond the original timeframe of 12 months. If you consider that an extension to the improvement notice validity period is required, you must obtain appropriate senior management approval and advice from HR Operations. This must be documented and the individual must be informed in writing.

You must ensure a copy of the improvement notice (which is part of the outcome letter) is placed on the individual’s electronic personnel file (ePF) on Hantsfile for the specified number of months.

How to develop an action plan

An action plan is a tool for you and the individual to use to assist with improving the individual’s attendance. The aim of an action plan is to identify and record any activity that will enable the individual to evidence their ability to meet and maintain the required attendance level.

The action plan should include:
- the absence level that is causing concern
- the action/s support that is already in place
- the specific level of attendance to be achieved
- the associated action(s) to be taken
- who is responsible for arranging or providing any relevant support, training or guidance as appropriate
- the timescale in which the required attendance level must be achieved.

You should develop an action plan jointly with the individual, identifying specific tasks for both the individual and you as the manager that will
support the individual to meet the required attendance level within the relevant validity period. You must confirm that the individual feels that the actions identified are reasonable and fair. You can impose an action plan if agreement cannot be reached.

You must ensure that the individual has the tools/ support that they need to improve their attendance.

Where there is an action plan in place, you must discuss progress in relation to the action plan at review meetings and make an electronic record of discussions as appropriate.

**Review meetings**

Following the issuing of a written improvement notice, you must hold scheduled review meetings with the individual and a final review meeting at the end of the improvement notice period.

At the start of the improvement notice you should pre-diary to meet with the individual at 3, 6 & 9 months and then at the end of the 12 month period, or a suitable duration if an existing improvement notice has been extended.

These meetings enable you and the individual to:
- monitor progress and discuss specific items
- review the action plan, identifying progress against each action and update as required
- provide constructive feedback as required
- discuss any other support that may be relevant
- discuss any other aspects that relate to the individual’s absence, such as accrual and booking of annual leave to avoid build up
- establish whether there is a need to progress to the next formal stage.

Use the action plan and review meeting(s) form to make an electronic record of the review meeting discussions and progress against the action plan as appropriate. You must record the date of the review meeting(s) via the Manager’s Portal.

**Assessment of final and extended improvement notices issued at a formal stage three hearing – for Police Officers and Special Constables only**

For Police Officers and Special Constables only - if the chair/ panel issue an individual with a final improvement notice or extend an existing improvement notice and the individual has not made sufficient improvement, the individual will be required to attend a further formal stage three hearing.

Where an individual is required to attend a further formal stage three hearing, it must be undertaken as though it was the first time the individual was required to attend.

The panel should (wherever possible) be comprised of the same members who conducted the previous formal stage three hearing.
there are circumstances which mean a new panel member is required, the individual can object to this member in accordance with the principles of objection to the panel. They can only object to any new panel members.

An individual may only be given an extension to a final improvement notice on one occasion. Therefore when an individual is required to attend a further formal stage three hearing, the only outcomes available to the chair/panel are as follows:

- to dismiss on the grounds of unsatisfactory attendance with notice OR
- to redeploy the individual to alternative duties, which may include a reduction in rank.

8. Appeal

Right of appeal

The individual has a right to appeal against the outcome of a formal meeting/hearing.

The individual must submit their appeal in writing and must include the full reasons for the appeal.

The specific grounds for appeal are:

For an appeal at formal stage one:

- finding/outcome was unreasonable
- emergence of new evidence which could have material effect on the outcome
- terms of an improvement notice are unreasonable
- unfair/incorrect application/breach of the policy which could have had material effect on the outcome.

For an appeal at formal stage two:

- For all individuals - all the above grounds as stated for a formal stage one appeal
- For Police Officers only - incorrect stage of the policy applied – if the case has been dealt with at a formal stage two meeting without having used formal stage one or if the absence concerns addressed at a formal stage two meeting are not similar or connected to the absence concerns in the formal stage one improvement notice.

For an appeal at formal stage three:

- For Police Staff only - all the above grounds as stated for a stage one appeal
- For Police Officers only - defined by the Police Appeals Tribunal.
If the grounds for the appeal are unclear, you must ask the individual to clarify the specific reasons.

Following an appeal of a formal stage three hearing, there is no further right of internal appeal.

**Appeal to the Police Appeals Tribunal (at formal stage three)**

**For Police Officers only** - appeals against a formal stage three hearing must be submitted in writing to the Police Appeals Tribunal. A separate appeals process applies in such cases.

The individual may submit an appeal to the Police Appeals Tribunal if they wish to appeal the following:

- a reduction in rank
- a dismissal.

If the case has been dealt with at a stage three hearing, without having progressed through stages one and two, the individual may appeal against the following outcomes:

- redeployment to alternative duties
- a first improvement notice
- a final improvement notice.

A police officer may not appeal against a finding of unsatisfactory attendance at a formal stage three hearing where that finding was made following acceptance by the officer that their attendance has been unacceptable.

The Clerk to the Police and Crime Commissioner for Hampshire is responsible for arranging the appeal. The appeal is considered by a panel appointed by the Police and Crime Commissioner for Hampshire.

Further details about this process can be obtained from the Police and Crime Commissioner or the Police Federation.

Following an appeal of a formal stage three hearing, there is no further right of internal appeal.

**Timescale to lodge an appeal**

The individual must lodge their appeal in writing to the relevant manager within a set number of working days following the day of receipt of the written outcome of the formal meeting/hearing, as follows:

- Appeal against formal stage one outcome - 7 working days
- Appeal against formal stage two outcome - 7 working days
- Appeal against formal stage three outcome - 10 working days (including appeals to the Police Appeals Tribunal).

**How to invite the individual to an appeal meeting**

The principles of [how to invite the individual to a meeting](#) will apply.
Alternative date

The principles of an alternative date will apply.

Sharing of information

You and the individual are required to exchange details of any additional papers and supporting evidence in advance of the appeal meeting. The original papers do not need to be re-circulated. HR Operations will provide the chair and the panel with a copy of the original papers.

The individual, or their representative/companion must submit any additional information to the chair to arrive at least 2 working days before the appeal meeting.

For Police Officers and Special Constables only

<table>
<thead>
<tr>
<th>Stage</th>
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</thead>
<tbody>
<tr>
<td>Formal stage one appeal</td>
<td>One manager of a higher level than at the previous stage</td>
<td>Optional dependent on the case</td>
<td>Yes</td>
</tr>
<tr>
<td>Formal stage two appeal</td>
<td>One manager of a higher level than at the previous stage</td>
<td>Optional dependent on the case</td>
<td>Yes</td>
</tr>
<tr>
<td>Formal stage three appeal</td>
<td>Police Appeals Tribunal</td>
<td>Not applicable</td>
<td>Not applicable</td>
</tr>
</tbody>
</table>

For Police Staff only

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<td>Optional dependent on the case</td>
<td>Yes</td>
</tr>
<tr>
<td>Formal stage three appeal</td>
<td>Assistant Chief Constable as Chair and another Senior Manager or HR equivalent</td>
<td>Optional dependent on the case</td>
<td>Yes</td>
</tr>
</tbody>
</table>
The remaining detail in this section applies to all individuals

Panel conditions

The principles of panel conditions will apply.

Other appeal meeting attendees

The principles of other meeting/ hearing attendees will apply.

How to manage an appeal meeting

The chair of the appeal meeting will:

• outline the purpose of the appeal meeting, introduce attendees and confirm housekeeping arrangements, (for example toilets, fire alarm)
• ask the individual or their representative/ companion to present their appeal, referring to any documents or examples
• ask you to respond to the appeal and present the grounds upon which previous decisions have been made, referring to any documents or examples
• invite all parties to ask questions at the appropriate point
• adjourn the meeting, if necessary, to consider the appeal and decide on the outcome
• reconvene the appeal meeting in the case of an adjournment
• notify the individual of the outcome
• keep a written record during the appeal meeting to refer to when reaching a decision and to help with producing the outcome letter.

Possible outcomes of an appeal meeting

The possible outcomes are:

• the appeal is not upheld and the previous decision remains
• the appeal is upheld and an alternative outcome is decided.

The appeal outcome cannot impose a higher sanction than that issued at the previous stage.

If the individual is reinstated on appeal after a previous dismissal, the individual’s service is continuous and any loss of pay between dismissal and reinstatement is paid. In such cases you, in conjunction with HR Operations, must make arrangements to reinstate the individual on the relevant systems for example the SAP system and IT accounts.

How to confirm the appeal decision

The principles of how to confirm the decision will apply.

You must record the date of the appeal meeting via the Manager’s Portal.
9. For Police Staff only - long term sickness absence

Use this section when:
• an individual has exceeded or is anticipated to exceed the long term sickness absence trigger or
• you have been managing an individual’s short term sickness absence under the formal stages and the individual then exceeds the long term sickness absence trigger or
• there is no indication of the individual’s future return to work date
• there is an indication that the individual may not be able to return to work due to the nature of their absence.

Long term sickness absence

This stage of the policy applies to Police Staff only.

Police Officers must progress through all stages of the policy as outlined in the short term absence section above.

Definitions

Long term sickness absence - occurs when an individual is unable to return to work over an extended period due to an underlying medical condition or conditions.

Health conditions without sickness absence - occur when an individual’s underlying medical condition has an impact on their ability to fulfil the full duties of their role but does not affect their attendance at work. Such cases can be managed under this long term sickness absence process. These concerns may originate as a performance concern but further review might indicate they are more appropriately managed using the Managing Sickness Absence policy and this how to guide.

Policy stages

The possible stages are:
• review stage- may include a mutual agreement discussion
• formal stage three hearing
• appeal - only following a formal stage three hearing.

Trigger point – long term absence

Levels of absence must be monitored by you in accordance with the trigger points set by the Constabulary.

A trigger point is a measure set by the Constabulary to monitor absence levels, the types of absence and absence trends. When an individual reaches or exceeds a trigger point you are notified via an absence trigger report. You can also view an individual’s absence record via the Manager’s Portal.

The Constabulary’s long term absence trigger is:

28 calendar days or more on one occasion.
The above long term absence trigger also applies to Police Officers as per the Home Office Guidance, section 4.33.

Advice should be sought from Occupational Health as soon as it is known that an absence is likely to extend beyond 28 calendar days.

**Movement between the long term and short term processes (Police Staff)**

There may be circumstances in which an individual has both short term and long term sickness absence. In such cases the individual’s full absence record needs be to taken into account when reviewing overall attendance and deciding what support/ further action may be appropriate.

For example, an individual may have 3 episodes of short term absence for which you have completed return to work interviews. The next episode of absence meets the criteria for long term absence (is 28 days or more in duration) and you hold review meeting(s) with the individual during this absence. The individual returns to work and has a further episode of short term absence. The totality of the individual’s absences means that they will have exceeded the short term trigger point and so you can resume management of the individual's absence under the short term process.

Should an individual return to work from a period of long term sickness absence, action can be taken under the short term absence policy stages, as appropriate. Any review meetings that have taken place during the long term absence period will act as activity at the 'informal stage', enabling you to understand the reason for their absence, any support that can be provided and to determine appropriate next steps.

**Review stage of long term sickness absence**

You should seek to address a long term absence concern with the individual through a review discussion or series of review discussions. For the avoidance of doubt you must make it clear to the individual that the discussion is the review stage (long term sickness absence) of the Managing Sickness Absence policy and is not a routine discussion.

Discussions at the review stage for long term sickness absence are an opportunity for you to discuss the absence and any underlying medical conditions/ circumstances with the individual as appropriate and to identify possible next steps. A formal decision about the individual’s future employment must not be taken at a review meeting. Such decisions must be made at a formal stage three hearing.

Ideally discussions at the review stage for long term sickness absence will take place face to face in the workplace or as part of a home visit as soon as the individual has reached the trigger point, however it is expected that you will have had contact with the individual during the early stages of their absence to understand the reason for their absence and to identify any early support that could be provided. A home visit must be made by prior agreement with the individual. Where a face to
face meeting is not possible a review may be held as a telephone conversation.

Discussions at the review stage for long term sickness absence will be repeated throughout the period of long term absence. The number and frequency of the review discussions will depend on the circumstances of each case as agreed between you and the individual.

Use the ‘record of long term absence review discussion’ form to complete an electronic record of the discussion. Agree the record with the individual if possible. Share the record with the individual and keep an electronic copy for your records. You must also record the date of the review meeting(s) via the Manager’s Portal.

**How to manage a discussion at the review stage of long term sickness absence**

At the review discussion you must:
- set out the nature of the absence concern(s), including asking the individual about any treatment plans, key dates and anticipated return to work date (if known)
- review recommendations made by the individual’s medical practitioner
- seek the individual’s views and expectations regarding a possible return to work or future plans
- review any existing Occupational Health (OH) guidance and recommendations
- determine whether the individual would benefit from additional support, particularly where there are concerns about their mental health and/or wellbeing
- consider whether a referral to OH is appropriate if you have not done so already or if existing OH information is not current
- consider any previous sickness absence
- consider whether the absence can be sustained and any operational difficulties that may arise
- inform the individual of their entitlement to pay under the sickness pay scheme
- inform the individual of their annual leave entitlements and options for taking annual leave whilst off sick
- decide on an outcome.

**Possible outcomes of discussion(s) at the review stage of long term sickness absence**

Possible outcomes from the discussion(s) are to identify:
- any actions for the individual. For example, providing Statements of Fitness for Work certificate(s), pro-active steps to improve their health and wellbeing or attendance at a medical and/ or Occupational Health (OH) appointment
- reasonable adjustments or flexible working that may support a return to work
- a predicted return to work date (if known)
- a return to work plan (if a return to work date is known)
- the possibility of medical redeployment (pending a recommendation from OH)
• if the individual is a member of the Local Government Pension Scheme (LGPS), the possibility of ill health retirement (IHR)
• whether the individual would like to explore the option of a mutual agreement
• whether it is appropriate to move to a formal stage three hearing. In such cases please seek advice from HR Operations.

You must make an electronic record of your discussions/ key information and the rationale during review meetings.

How to progress to a formal stage three hearing

A formal stage three hearing will be held where:
• the absence can no longer be sustained - either continuous absence or a history or pattern of periods of long term absence over a prolonged period of time OR
• the medical advice recommends that the individual will not return to their substantive role in the foreseeable future. This may be supported by medical redeployment OR
• the medical advice recommends that the individual will not return to work in any capacity in the foreseeable future. This may be supported by a recommendation of ill health retirement (IHR) OR
• in extreme long term sickness absence cases, formal action is appropriate and all other support/ interventions have been considered/ exhausted.

An up to date Occupational Health (OH) report will be required prior to a formal stage three hearing. If medical advice has previously been sought, confirmation that the advice is still current must be sought from OH.

The decision to move forward with a formal stage three hearing must take into account the OH advice and the operational implications of the absence.

How to invite an individual to a formal stage three hearing

The principles of how to invite an individual to a formal stage three hearing will apply.

Alternative date

The principles of an alternative date will apply.

Sharing of information

The principles of sharing information will apply.
### Who chairs the formal stage three hearing

<table>
<thead>
<tr>
<th>Stage</th>
<th>Chair/panel</th>
<th>HR Adviser to the panel</th>
<th>Right to be represented/ accompanied</th>
</tr>
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</table>
| Formal stage hearing   | A panel of two: 1. Chief Superintendent from the area or Police Staff equivalent as Chair  
                       | 2. HR Manager (or, if not available, another senior HR rep of equivalent grade to a Superintendent or Chief Superintendent) | Optional dependent on the panel composition                  | Yes                                 |

### Panel conditions

The principles of panel conditions will apply.

### Other hearing attendees

The principles of other meeting/ hearing attendees will apply.

### How to manage a formal stage three hearing

The principles of managing a formal stage three hearing will apply.

### Outcome of the formal stage three hearing

The chair of the panel must decide whether:

- the case is mitigated and there is no further action OR
- the absence remains under review OR
- the individual returns to work with relevant support/ adjustments OR
- the individual is dismissed on the grounds of medical capability with the appropriate contractual notice and the possibility of redeployment to a different role (if not previously explored) as follows:
  - to move the individual to a different role (if one is available) which may involve a down grading in pay. The principles of posting/ redeployment will apply
  - where the individual is a member of the Local Government Pension Scheme (LGPS) and medical approvals have been gained, ill health retirement (IHR) can be discussed with the individual.

The chair of the hearing must also discuss the following:

- the outcome
- the reasons for the decision
- the right of appeal
- the date by which an appeal must be submitted in accordance with the principles of timescale to lodge an appeal.
Dismissal on the grounds of medical capability may be actioned prior to the entitlement to Occupational Sick Pay being exhausted, where there is no reasonable prospect of the individual returning to work in the foreseeable future.

If a dismissal takes place (including Ill Health Retirement), HR Operations will complete the Leaver Notification and Termination Payments form. You must make arrangements to cancel the individual’s IT account and obtain the individual’s identity card. You must also complete the other leaver requirements.

How to confirm the decision

The principles of how to confirm the decision will apply.

You must record the date of the hearing via the Manager’s Portal.

10. For Police Staff only – appeal – long term sickness absence

Right of appeal

The individual has a right to appeal against the outcome of a formal stage three hearing.

The individual must submit their appeal in writing and must include the full reasons for the appeal.

An appeal at this stage can take two forms:

- against dismissal because the individual wants to remain in employment - managed under the appeal process of this policy
- against the non-award or tier of ill-health retirement (IHR) (open to members of the Local Government Pension Scheme (LGPS) only) - managed under the Internal Dispute Resolution procedure (IDRP).

Under this policy, an individual appealing dismissal can do so on one of the following grounds:

- an appeal against the medical advice and the decision to dismiss based on this medical advice
- other appeal - any appeal concerning non-medical aspects of the dismissal relating to actions taken by the Constabulary. This includes, for example, appealing the level of sanction or whether the procedure has been followed correctly.

If the grounds for the appeal are unclear, you must ask the individual to clarify the specific reasons.

There is no right to appeal a mutual agreement as it is entered into with the consent of both parties.
Timescale to lodge an appeal

The individual must lodge their appeal in writing to the relevant manager within 10 working days following the day of receipt of the written outcome of the formal stage three hearing.

How to invite the individual to an appeal meeting

The principles of how to invite the individual to a meeting will apply.

Alternative date

The principles of an alternative date will apply.

Sharing of information

The principles of sharing of information will apply.

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<td>Optional dependent on the panel composition</td>
<td>Yes</td>
</tr>
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</table>

Panel conditions

The principles of panel conditions will apply.

Other meeting attendees

The principles of other meeting attendees will apply.

How to manage an appeal meeting

The principles of how to manage an appeal meeting will apply.

Possible outcomes of an appeal meeting

The principles of possible outcomes of an appeal meeting will apply.

How to confirm the appeal decision

The principles of how to confirm the decision will apply.

You must record the date of the appeal meeting(s) via the Manager’s Portal.

11. Other policy requirements – for all individuals

Right to be represented/ accompanied

Individuals are encouraged to contact their Staff Association, Federation or Unison representative to obtain advice at any point during application of the Managing Sickness Absence policy.

In normal circumstances representation would not be required during the informal stage. However, there would be occasions, for example as a reasonable adjustment, where it might be. The manager and the individual may agree representation on an exceptional basis.
The individual has the right to be represented/ accompanied at a pre-formal decision meeting, formal meeting/ hearing or appeal meeting held under the Managing Sickness Absence policy by a Staff Association, Federation or Unison representative, a Police Friend or a Hampshire Constabulary work colleague.

It is the individual’s responsibility to:

- arrange their own representative/ companion
- liaise with their representative/ companion to agree the pre-formal decision meeting, formal meeting/ hearing or appeal meeting date and time
- advise management of the representative’s/ companion’s details.

There is no right to legal representation at any stage of the Managing Sickness Absence policy.

**Sick pay**

You must inform the individual that their sick pay entitlement will reduce or cease once they have received their relevant entitlements.

Details of sick pay entitlements can be found on the salary section of the HR webpages.

Wherever possible the individual should register for ESS lite so that they can access their pay information remotely during any episodes of sickness absence. You can remind them about this function during any appropriate discussions as this will remove the need for the individual to wait for printed pay slips to be posted to them during a period of sickness absence.

**Entitlements to sick pay notification**

You must inform the individual that their sick pay entitlement will reduce or cease once they have received their relevant entitlements.

You are responsible for informing an individual of any possible reduction and ensuring that the individual has appropriate notice in conjunction with the Integrated Business Centre (IBC).

You must also ensure the individual receives any relevant payment for allowances during the period of sickness absence.

Details of the sick pay notification and sick pay review processes can be found in the salary section of the HR webpages.

**Reporting sickness absence**

The individual is responsible for reporting their sickness to the central sickness absence reporting line as soon as possible prior to their normal/ shift start time.

The individual must provide their first date of sickness absence, the
likely duration and, if they wish to do so at this time, the reason for absence. If the individual is unable to report their absence themselves, you (as the line manager), a relative or friend can report the absence on the individual’s behalf.

The individual can also contact you to discuss the reason for absence, welfare or support requirements.

You must inform the individual that if there is continuing sickness absence beyond the original expected duration this must be reported to the central sickness absence reporting line.

An individual who fails to report their sickness absence accurately may be subject to action under the Managing Misconduct policy - Police Staff or referred to PSD - Police Officers.

**Keeping in touch during sickness absence**

You and the individual are required to engage in and maintain appropriate contact during periods of sickness absence to discuss the reasons for absence and welfare or support requirements, identifying any actions which would facilitate a return to work and improve their wellbeing. In certain cases, this communication will be between the individual and an identified welfare contact.

You will agree with the individual the frequency of contact and how this will be conducted.

**Recording sickness absence**

The central team will record the absence details on SAP and CARM and inform you of the absence.

You are responsible for recording the absence end date and reason for the absence via the Manager’s Portal when the individual reports as fit to return to work.

Using the Manager’s Portal, you are responsible for checking that the individual’s absence dates have been entered correctly and the reason for absence is accurate. You must complete this requirement where the information is incomplete or inaccurate.

Where an individual leaves work early due to sickness this must be reported to the central sickness absence reporting line as soon as possible and will be recorded by the central team, as follows:

- where an individual leaves work early due to sickness having worked over half the shift/working day – this will be recorded as a number of decimal hours sickness absence on SAP and the actual time in hours and minutes on CARM.

- where an individual leaves work early due to sickness having worked less than half the shift/working day - this will be recorded as a full day’s sickness absence on SAP and CARM.
How to manage multiple occurrences of half day absence

Half day absences should be treated as an ‘occurrence’ of absence for the purposes of considering whether an individual has reached or exceeded the short term absence trigger point.

Maintaining records

You must input the end date and reason for absence.

You must also input the date(s) of all return to work interviews, informal discussions, pre-formal decision meeting(s), formal meeting(s)/hearing(s) and appeal meeting(s) onto the individual’s record via the Manager’s Portal.

Statement of fitness for work certificate

The individual is responsible for providing you with a Statement of Fitness for Work certificate from their medical practitioner in a timely manner for absences of 8 calendar days or more.

An individual can self-certify for absences of 7 calendar days or less, which means that no Statement of Fitness for Work certificate is required until the 8th calendar day of absence.

When a Statement of Fitness for Work certificate is required, you must ensure that the individual provides you with a copy of the certificate, or the original for you to take a copy, returning the original to the individual for their own records. The copy certificate should be scanned to the electronic personnel file (ePF) on Hantsfile.

The Statement of Fitness for Work certificate will indicate whether an individual is:

- not fit for work for a specified period
- fit for work subject to one or more of the following adjustments:
  - phased return
  - altered hours
  - amended duties
  - workplace adaptations.

Suggested adjustments contained in the Statement of Fitness for Work certificate are not binding on the Constabulary. You are responsible for considering whether adjustments can be made. This should be done by:

- discussing the advice on the statement with the individual and the possible options available
- considering how it affects the job and the workplace
- considering the functional comments where any of the return to work boxes are ticked and any other action(s) that could help the individual return to work
- completing a risk assessment, monitoring and reviewing as agreed
- seeking further advice from Occupational Health as required (through a referral or a call to the Managers’ Advice Line).
If you decide the adjustments can be made and a return to work is possible, this will form part of the phased return to work plan.

If you decide the adjustments cannot be made, explain to the individual the reasons for your decision and clarify that this means they will remain unfit for work for the duration of the current statement. You should keep an electronic record of this decision.

The individual does not need to obtain an alternative statement. They will continue to be unfit for work until the adjustments are no longer required. They may however need to obtain further statements in due course when their current statement expires.

An individual does not need a statement to say they are fit to return to work. However, the doctor can indicate whether they wish to see the individual before they do.

Individuals who fail to provide a Statement of Fitness for Work certificate or fail to provide it for absences of more than 7 calendar days when requested may lose their sick pay entitlement.

In such cases, you must send a letter to the individual requesting that they send you a Statement of Fitness for Work certificate. Use the template letter to ensure you include all of the relevant information.

If the individual does not respond to the letter or provide a Statement of Fitness for Work certificate, you must send them a second letter. Use the template letter to ensure you include all of the relevant information.

If the individual has not responded to the previous two letters that you have sent or provided a Statement of Fitness for Work certificate, you must write to the individual again. This third letter will provide information regarding whether an individual may lose their entitlement to sick pay. Use the template letter to ensure you include all of the relevant information.

Action may also be taken under the Managing Misconduct policy - Police Staff or referred to PSD - Police Officers.

For further advice please contact HR Operations.

**Referral to Occupational Health (OH) and reasonable adjustments**

Occupational Health (OH) acts as an advisory service, providing quality, evidence-based health advice to support managers and individuals and is committed to working with all parties to improve the health of individuals within the Constabulary. If needed, OH can conduct an assessment on an individual following a referral to them. OH does not provide treatment for individual conditions.
The Occupational Health Manager Advice Line
The Managers Advice Line is designed to help managers and individuals with any enquiry related to Occupational Health. It can be used to request general medical advice and to determine whether an individual’s health issues should be referred to Occupational Health to ensure that only appropriate cases enter the referral process.

Employee Assistance Programme (Health Assured)
An Employee Assistance Programme (EAP) is provided via Health Assured. This service is free, confidential and available to all individuals and their immediate family members (*partner/spouse and children aged 16-24 in full time education living at the same address). This service can be accessed by telephone (free-phone 0800 030 5182) or online - https://healthassuredeap.co.uk/home/ user name Hampshire, Password Constabulary (not case sensitive).

Short term frequent absence is often due to unrelated ad-hoc illness and therefore a referral may not be necessary during informal management of absence concerns. In the following circumstances you should seek OH advice to inform your decision making:
• there are concerns of an underlying condition
• the absences are for the same illness
• the individual has reached or exceeded the trigger
• you are moving into the formal stages of the policy.

The individual may also request to be referred to OH.

Where you consider that an absence concern may relate to a possible underlying medical condition or disability, and are concerned about the possible impact on work, you must make a referral to OH as soon as practical. This will help you to better understand the health issues, their possible impact on the individual’s attendance and whether any reasonable adjustments can be put in place to alleviate the concerns.

In cases of long term absence you should contact OH as soon as it is known that the absence is likely to extend beyond 28 calendar days.

An individual does not need to be absent from work for a referral to be appropriate.

You must meet/discuss with the individual the reason(s) for the referral and the process. The referral should be completed as fully as possible and should be made using the on-line Occupational Health and Wellbeing referral process. You can use the template letter to confirm the arrangements for making a referral if appropriate. The individual must have sight of the referral form before it is submitted to OH.

The individual is required to attend Occupational Health appointments and
to co-operate with the referral.

You must explain to the individual that:

- it is important for them to attend OH appointment(s) so that relevant information relating to their health and its possible impact on work can be shared with you and any needs at work can be supported
- they must tell you as soon as possible if there is any reason that prevents them from attending an appointment. If this is the case then discuss ways to resolve any issues
- they must contact OH immediately if they wish to rearrange an appointment for an alternative date/time
- they must inform you of a change of date/time.

You should contact the individual 2 days before any OH appointment to remind them of the importance of the appointment.

Individuals who do not attend OH appointments or otherwise fail to co-operate with the Constabulary’s Occupational Health Service will have any assessment or decision taken based on the information available.

If the individual provides consent, you can join the individual at the end of the OH appointment to be part of the discussions about possible outcomes and next steps.

Once you are in receipt of the referral advice from OH, you must make arrangements to discuss this with the individual.

Depending on the circumstances, it may be appropriate to write to the individual advising them that the information has been received and invite them to a meeting to discuss the referral advice. Use the template letter to ensure you include all of the relevant information.

Once you have discussed the referral advice with the individual, you should confirm the outcome of your discussions in writing. Use the template letter to ensure you include all of the relevant information.

You must consider reasonable adjustments as a matter of priority and a way to support the individual before commencing the formal stages of the Managing Sickness Absence policy and throughout the application of the policy and how to guide.

Prior to a formal stage three hearing, up to date OH advice should be obtained from the OH Doctor to determine whether medical redeployment or ill health retirement are suitable options and to ensure you have the most up to date information. HR Operations or the line manager must advise OH that formal stage three action is being considered in such cases.
Flint House referrals

For Police Officers only - Flint House referrals are available to Police Officers who pay monthly into the Welfare Fund. This service is also available to retired Police Officers who will be required to pay directly to Flint House for their stay.

Further details about the application details for Flint House can be found at http://www.flinthouse.co.uk/. Any applications must be submitted to the Federation office in accordance with the required rules.

Police Officers are entitled to up to 2 weeks paid leave to attend Flint House.

If the individual is at work and is referred to Flint House they must discuss arrangements with you. The dates for Flint House are generally fixed. You and the individual must consider how to facilitate the individual to attend on the specified dates whilst minimising operational impact.

If the individual attends Flint House and was on sick leave the day before attending, the period at Flint House is considered as sickness absence and is recorded and paid accordingly.

If an individual was not on sick leave the day before attending, the time is considered as duty time, and is paid accordingly.

Phased return to work

A phased return involves temporary adjustment or adjustments to an individual’s role to enable an earlier return to work than would otherwise be possible or to facilitate a return to work where the individual is not able to return to the full duties of their role. A phased return is not an automatic right and may not be necessary. The need for and duration of any phased return will depend on the nature of the sickness absence and the individual’s needs.

Temporary adjustments may be identified between you and the individual, or by Occupational Health (OH).

The duration of a phased return is typically no more than 6 weeks. If it seems likely that the phased return will continue beyond the OH recommendation, you must discuss with the individual how to progress and seek advice from OH and HR Operations as required.

If you decide the adjustments can be made and a return to work is possible, this will form part of the phased return to work plan.

If you decide the adjustments cannot be made, explain to the individual the reasons for your decision and clarify that this means they will remain unfit for work for the duration of the current statement.

The individual does not need to obtain an alternative Statement of
Fitness for Work statement; they simply continue to be unfit for work until the adjustments are no longer required. They may however need to obtain further statements in due course when their current statement expires.

An individual does not need a statement to say they are fit to return to work. However, the doctor can indicate whether they wish to see the individual before they do.

Alternatively, the individual may wish to take annual leave for some or all of this period. In such cases, for systems and pay purposes, the individual will return from sickness absence and start a period of annual leave. The record must be reverted back to sickness absence if the individual remains on sickness absence after the annual leave period has been fulfilled. This will ensure the individual is paid correctly for the annual leave period.

You must complete a risk assessment for the individual when they return to work to ensure their health and safety is not put at risk.

You are responsible for deciding what adjustments can be accommodated. In making this decision you must consider whether the individual is likely to have a disability.

**For Police Officers only** - please refer to guidance on Limited Duties.

**For Police Staff only** - adjustments may relate to contractual hours, working patterns, the working environment or duties of the role (sometimes known as restricted duties).

### Adjustments to support an individual to remain at work

Adjustments can also be considered in order to support an individual to remain at work to avoid sickness absence. This may be appropriate where an individual has recently developed a medical condition, or an existing condition has worsened.

If an individual sickness absence triggers are adjusted, you must record the details of the adjusted triggers via the Manager’s Portal.

### Permanent adjustments

Where Occupational Health recommends a permanent adjustment, reference must be made to the guidance on Reasonable Adjustments.

Having reviewed the guidance on reasonable adjustments, if the adjustment cannot be accommodated, this will be managed under the relevant formal stage for Police Officers or at a formal stage three hearing for Police Staff.

### Limited duties

**For Police Officers only** - a separate limited duties process applies to Police Officers in circumstances where the Officer is unable to undertake the full range of duties. There are three categories of limited duties; recuperative duties, adjusted duties and management restricted
duties.

Please refer to the guidance on Limited duties for further information.

**Sickness during annual leave**

An individual who is sick during a period of annual leave can have their annual leave entitlement reinstated. You may request evidence of sickness absence and the individual will need to provide a [statement of fitness for work](#) in such cases.

The period of sickness absence must be recorded on ESS lite and CARM and will be included in any absence trigger reports.

**Sickness and accrual of annual leave**

Annual leave will accrue during sickness absence, including during periods of half or nil pay.

The individual must have the opportunity to:

- use their annual leave upon their return to work where there is time to do so [or](#)
- carry forward the statutory element of their annual leave for a further 18 months from the end of the leave year in which the leave arose, [or](#)
- use their unused annual leave entitlement during their period of sickness absence.

Where an individual wishes to substitute a period of sickness absence for annual leave, you must complete the on-line general query via the Manager’s Portal to instruct the IBC to make the changes required.

The accrual and carry forward of annual leave is less likely to be an issue in relation to short term absence as it is not likely to build up. Therefore, carry forward of leave is usually preventable. You must discuss the booking and taking of leave with the individual as part of routine line management and as part of any return to work interview or review meeting as appropriate.

**Working whilst off sick**

There may be situations where an individual has more than one role/ or another employer and due to the difference in nature of the two roles, is on sickness absence from one role whilst still being able to work in the other role.

Where an individual is off sick from a role, it is not acceptable for them to work in a second role, either for the Constabulary or for another employer, during the normal working hours of the first role.

If appropriate you should manage any concerns of this nature using the Managing Misconduct policy - Police Staff or referred to PSD - Police Officers.
Medical appointments

There is no right to paid time off to attend routine appointments with a GP, dentist, optician, hospital etc. (including routine medical screening appointments.) Such appointments will be taken in the individual’s own time, unless covered by any other leave facility e.g. Disability Related leave, Sickness Absence, Injury on Duty provisions. You will support attendance by being flexible in granting time off in lieu, or temporarily altering working patterns. The individual must obtain consent from you if they require time off to attend a health appointment during working time. You can request to see written notification of such appointments and in such cases the individual is required to provide this to you.

Where further medical appointments are required following advice from a GP/ Specialist or following up from a routine screening appointment then reasonable time off will be granted on a case by case basis. Such absence should not be recorded as sickness. You should review each subsequent request for time off to determine if reasonable time off will be granted.

Using the Manager’s Portal, you are responsible for checking that the individual has correctly entered their time off for health appointments using the appropriate leave category and following up with them if it has not been entered correctly.

Notifying a Chief Officer of a critical or terminal illness

You are responsible for notifying the relevant Chief Officer if an individual within your team is diagnosed with a critical or terminal illness.

You must seek consent from the individual prior to informing the relevant Chief Officer.

Welfare Fund

If the individual is a member of the welfare fund they should receive welfare gifts. To establish membership and next steps you should contact the Welfare Administrator by emailing the Federation office.

The Federation administer the welfare fund arrangements for both Police Officers and Police Staff.

For Police Officers only - the individual will receive a gift after 14 days and thereafter every 28 days.

For Police Staff only - the individual will receive their welfare gift after 28 days of absence for the first period only.

Once the welfare gift is available you will take this to the individual in person, normally during a scheduled home visit.

Unison letter

For Police Staff only - you will need to send the Unison letter to members offering support to any individual who meets or exceeds the long term absence trigger point.

For further information please contact the Unison Office.
Extenuating circumstances must be considered before taking any formal action under the Managing Sickness Absence policy.

This must include absences due to:

- a diagnosed infectious disease including those notifiable to public health
- pregnancy/ birth related illness/ injury, from the start of the pregnancy until 12 months after the birth
- gender reassignment.

Other situations which should be considered as an extenuating circumstance on a case by case basis are:

- where the absence is related to ongoing medical problems resulting from a previous injury in the execution of duty
- a physical injury arising as a result of a breach of Health & Safety
- certified absence as a result of a recent bereavement - sickness absence in this context would normally follow a period of compassionate leave
- an injury sustained in the execution of duty whilst performing normal duties, including driving for work purposes (where the individual has not been obviously negligent)
- absence relating to domestic abuse
- elective pre-cancer surgery
- voluntary organ donation
- IVF treatment or recovery.

The following are not extenuating circumstances:

- an injury sustained driving to and from work (this will not affect Police Officer entitlements under the Police Pension Regulations)
- an injury sustained as a result of that individual’s own serious or culpable negligence or misconduct
- an injury sustained participating in Force sport
- a stress-related illness through exposure to the Constabulary’s policies for example Managing Misconduct, Managing Performance and Grievance
- a disability is not an extenuating circumstance, however disability is a protected characteristic that is covered by the Equality Act. Please refer to the disability related leave section for further information.

Once a period of absence has been determined as an extenuating circumstance, that period of absence cannot later be redefined (unless clear evidence to the contrary emerges at a later date) and the absence cannot be taken into consideration when assessing total days absence over a given period of time.

On very rare occasions you will assess the absence of an individual
and make a decision to exclude the absence for the purposes of the absence trigger report and any action being taken under the policy at that time. The individual must be made aware that action may still be taken in the future, dependent on any further absences and the circumstances of such absences.

There are no set criteria for excluding an absence. Each absence will be considered on a case by case basis and no precedents will be set. It is your decision as a manager to determine whether an absence will be excluded for the purposes of the trigger report and any action being taken at that time. If you need further advice please contact HR Operations.

An example of a situation where a manager may decide to exclude an absence would be where the absence is the result of domestic abuse, which is classified as an extenuating circumstance.

The dates and reason for the excluded absence will remain on the individual’s record on SAP but will not be included in the trigger calculations. Sick pay entitlement will apply in the normal way for the episode of excluded absence.

To flag the absence as excluded you will need to use the Manager's Portal and select the absence to be excluded. The exclusion must only be applied once the absence has been closed and the individual has returned to work. This must not be applied to an open absence.

It is essential that you provide relevant and ongoing support to an individual where the absence may have been excluded from consideration against the trigger points or the individual's trigger point has been adjusted.

Health & Safety

Health and safety issues that are identified during the application of the Managing Sickness Absence policy must be dealt with in accordance with the relevant Health & Safety procedures.

For injuries, accidents and near misses at work please refer to the Health and Safety Intranet page.

Disability related absence

You must take a disability into account when considering an individual’s absence.

You do not necessarily need to discount all absences that were directly related to a disability. You may need to make reasonable adjustments under the Equality Act 2010 when considering such absences and how you assess progression through the Managing Sickness Absence policy stages.

If an individual sickness absence triggers are adjusted, you must record
Adjusted triggers

Disability related absence and reasonable adjustment to this trigger will be considered on a case by case basis. The trigger point calculation is based on the FTE hours that an individual works. Guidance for calculating the absence trigger point can be found in appendix 1.

Instructions to leave work on health grounds

In exceptional circumstances, an individual may be instructed to leave work where they present as unwell or have a condition which causes concern and poses a risk to the individual and/ or others.

The individual will remain at home for a short period on full pay until it is either appropriate for them to return or they move to a period of sickness absence. The short period in which they have been instructed to remain at home will not be included in relation to the absence trigger points and will not affect pay and allowances.

If the individual is required to stay at home and this extends beyond 7 calendar days, you should strongly encourage the individual to see their GP/ medical practitioner.

Where the medical practitioner issues a Statement of Fitness for Work certificate, the individual is responsible for reporting this period of sickness absence in the normal way. The absence is paid as sickness absence. Where a medical practitioner does not issue a Statement of Fitness for Work certificate, the individual is not required to report a period of sickness absence and instead continues to receive full pay for the duration of the instruction to remain at home.

Planned operations

The individual is responsible for notifying you in advance of a planned operation.

The individual is encouraged to provide you with the reason for the absence, the anticipated duration, the predicted recovery period and any possible changes in their ability to undertake their role upon their return. This will enable you to plan cover/ resource as required.

Normally you will not need to obtain Occupational Health advice for a planned operation. If there are complications or changes that were not anticipated, you may need to seek OH advice at the relevant time.

Where operations take place during working time, the individual is responsible for reporting their sickness to the central sickness absence reporting line.

Individuals undergoing elective (not medically required) surgery are expected to request that the surgery (along with the recovery period) is scheduled in non-working time where possible. If this is not possible, then the individual should request annual leave, flexi-time or TOIL with
your agreement to cover their absence.

The individual may experience complications following the elective surgery. In such cases the individual must contact you at the earliest opportunity. The individual must report their sickness absence to the central sickness absence reporting line in the normal way.

**Emergency operations**

If an individual has an emergency operation they or a relative must notify you at the earliest opportunity. You will need to manage this situation sensitively and compassionately. You will need to agree ongoing contact with the individual or relative in the short term.

You will need to consider:

- if it is appropriate to inform colleagues
- what information is appropriate to share
- how to cover the individual’s work in the short term
- at what point it may be appropriate to obtain Occupational Health advice.

You must submit an enquiry via the Manager’s Portal to instruct the IBC to enter the absence on the individual’s behalf.

**Mutual agreement – Police Staff only**

For Police Staff only - as an alternative to a formal stage three hearing (and possible dismissal) an individual’s contract of employment may be ended by mutual agreement between the individual and the Constabulary.

A mutual agreement is most likely to be reached where an individual’s condition means that they are unlikely to return to their role, or to work in general, within a reasonable timescale. As it requires the individual’s agreement, they also need to be of a similar opinion.

This is an alternative approach which may avoid the stress and pressure a formal stage three hearing can place on an individual who has extended ill health.

A mutual agreement may be agreed with ill health retirement (IHR).

A mutual agreement is neither a dismissal nor a resignation. It is a letter setting out the agreed end date of employment, and other related arrangements, which is signed by both parties.

There is no right to appeal a mutual agreement as is it entered into with the consent of both parties.

It is recognised that not all individuals will want to enter into a mutual agreement and those cases should continue to be managed under the policy and the long term absence section of this how to guide.

You must contact HR Operations for further advice.
Ill-health retirement (IHR)

The process for considering ill health retirement (IHR) can only be initiated after Occupational Health (OH) have carried out a medical review under the Managing Sickness Absence policy. The OH medical report must state that the individual appears to meet the criteria of being permanently unable to continue in their job or any alternative role due to a medical condition for consideration of ill health retirement to be applicable.

**For Police Officers only** - for further details please refer to the Home Office Guidance on Police Misconduct, Unsatisfactory Performance and Attendance Management procedures section relating to medical retirement under Police Pension legislation.

**For Police Staff only** - for further details please contact HR Operations or refer to the LGPS website.

Any action under the Managing Sickness Absence policy will be temporarily suspended if ill health retirement is being actively considered or a decision about ill health retirement is being appealed. Relevant action under the Managing Sickness Absence policy will resume at the point ill health retirement is not approved or when the outcome at an appeal stage is known.

Posting/ redeployment

Posting/ redeployment can be considered at any stage in this policy. This option must not be used as a sanction. The posting/ redeployment should result in satisfactory attendance in the new role. This is subject to a suitable opportunity being available.

Recruitment

The recruiting manager must make contact with the substantive manager during the recruitment process to confirm if any formal warning is in place and its status.

The recruiting manager must consider this information in relation to the individual's suitability for the new post.

The recruiting manager must not use the existence of a formal warning on its own as a reason not to appoint someone, but it may form part of their consideration. The individual should be copied in to any information shared in this regard and be able to request a record of any decision made by those appointing.

The individual will not be able to start the new position until the outcome of the meeting/ hearing is known.

Assessment and recognition of competence and PDR

**For Police Officers only** - you must consider a possible unsatisfactory rating at end of year PDR process and linkage to the Assessment and Recognition of Competence (ARC) guidance and the Forces PDR
guidance. You must explain to the Officer at an early stage the likely outcomes for continued sickness absence in relation to the ARC and PDR processes, action under the formal stages of the Managing Sickness Absence policy and how this may affect pay progression.

Further information is available in the Assessment and Recognition of Competence guidance and the PDR guidance.

**Formal action - Staff Association, Federation or Unison representative**

Where there are concerns involving an individual, who is a Staff Association, Federation or Unison representative, you must seek advice from HR Operations before taking formal action.

The individual is encouraged to seek advice from their Staff Association, Federation or Unison representative in such cases.

**The Police Barred and Advisory list**

Hampshire Constabulary is required to notify the College of Policing of a dismissal as a result of these proceedings. This will mean inclusion on the barred list which will act as an absolute bar to being employed or appointed by a police force or specified law enforcement body.

Further information can be found in the Police Barred and Advisory list guidance document on the HR Intranet pages.

**12. Support**

**Individuals:**

A Staff Association, Federation or Unison representative can offer information and workplace support as well as signposting to useful support organisations.

Individuals can contact Occupational Health by telephoning 023 8062 6600 (08:00 - 16:00 weekdays). A wide range of useful advice and information is also available via the online support pages.

Access to free, confidential and impartial support is provided by the Wellbeing Helpline who can be contacted on 0800 030 5182 or by accessing the following link www.healthassuredeap.co.uk. The username and password to access the webpages are:

Username – Hampshire
Password - Constabulary.

The Disability Support Network is the Force’s peer-led support group for individuals with disabilities and those who are carers. The Disability Support Network mailbox is DSBTYSUPNT@hantspol.gov.uk.

The Dyslexia Assessor Group can provide advice and guidance on adjustments and signposting to useful support organisations. The Dyslexia Assessor Group mailbox is: dyslexia.assessor.group@hampshire.pnn.police.uk.

The Force Wellbeing toolkit can be accessed as follows: http://intranet/Intranet/Chief+Constable/Wellbeing+toolkit.htm
Managers:
Any queries can be directed to HR Operations on 01962 813915 or hradvice@hants.gov.uk.

Managers can also access the Managers’ Advice Line at Occupational Health by telephoning 023 8062 6600 (08:00 - 16:00 weekdays). The Managers’ Advice Line can support with any health related query prior to making a referral or during management of a case.

Resources specifically relating to Mental Health can be found on the Force Intranet:
- Mental Health Peer Support
- Mental Health Peer Support Network

The Force Wellbeing toolkit can be accessed as follows:
http://intranet/Intranet/Chief+Constable/Wellbeing+toolkit.htm

13. Toolkit

Informal discussion form template, action plan and review meeting template, pre-formal decision meeting template, invite and outcome letter templates, template management report.

14. Related documents

To help with the application of this document it may be useful to read the following:
- Department for Work and Pensions – Statement of Fitness for Work – A guide for employers
- Assessment and recognition of competence guidance
- PDR guidance
- Limited Duties guidance
- Reasonable Adjustments guidance
- Redeployment How to Guide
- 09802 Procedure – Job Related Fitness Test

15. How to guide Governance

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Roles and responsibilities

As the **line manager** you are responsible for:

- adopting a pro-active approach to wellbeing to prevent sickness absence
- adopting a pro-active approach to induction, the PDR process, general development and continuing professional development to prevent absence concerns
- setting clear and achievable attendance standards that the individual will work to within their role
- recording the absence end date/ reason and the dates of all return to work interviews, informal discussions, pre-formal decision meetings, formal meetings/ hearings and appeal meetings on the individual’s record via the Manager’s Portal
- using the Manager’s Portal to check the individual’s sickness absence dates and reasons are recorded correctly on the system
- ensuring that the individual provides you with a copy of the Statement of Fitness for Work certificate after 7 calendar days of absence
- reviewing sickness absence records on a regular basis
- identifying concerns at the earliest opportunity and deciding on appropriate action
- applying the Managing Sickness Absence policy accurately and within a timely manner
- maintaining awareness of the case status at each stage of the policy
- informing HR Operations of all absence concerns that are moving to be managed under the formal stage if HR Operations have not had previous involvement in the case
- seeking advice from HR Operations as appropriate to the absence concerns
- seeking advice from HR Operations in Police Staff long term sickness absence cases
- informing a recruiting manager of any existing improvement notices and action plans and their status for individuals within your team when you are contacted as part of the recruitment process
- ensuring continuity in the management of absence in the event of a change of line manager
- considering adjustments and deciding whether to implement them where reasonable to do so
- maintaining regular contact with the individual during the process to enable return to work and improve wellbeing
- arranging meetings as necessary
- completing the e-leaver form, arranging suspension of IT accounts and warrant or identity cards as appropriate if an individual is dismissed or resigns during application of the policy
- keeping records, drafting and issuing letters/ documents with HR support as necessary
- if other options are implemented at a formal stage three hearing, working with HR Operations to make the appropriate arrangements.
All individuals are responsible for:

- adopting a pro-active approach to their own wellbeing to prevent sickness absence
- attending work unless unfit to do so
- seeking to maintain or improve their attendance
- identifying support that is helpful to maintain attendance
- complying with the Managing Sickness Absence policy
- reporting the start date and any extensions to sickness absence via the central sickness absence reporting line as soon as possible
- providing the reason for absence to the central sickness reporting line or you as the line manager to ensure accurate reporting
- providing any copies of Statements of Fitness for Work certificates to you after 7 calendar days of absence
- engaging and co-operating with the Occupational Health referral process, including attending all appointments with Occupational Health
- arranging their own Staff Association, Federation or Unison representative or Hampshire Constabulary work colleague if desired and advising management of this.

The **HR Operations caseworker** who is supporting the manager is responsible for:

- advising on policy application and best practice
- supporting with case management
- advising on the completion of letters, reports and relevant documentation
- supporting you and the individual during the sick pay review process
- attending meetings/ hearings in an advisory capacity
- ensuring that the individual’s SAP record and other relevant systems access are correct if an individual is reinstated following a dismissal appeal
- if other options are implemented at a formal stage three hearing, working with the manager to make the appropriate arrangements.

The HR adviser to the panel is a separate role to that of an HR professional who may sit on the panel based on the panel composition arrangements.

The HR adviser to the panel in this context does not perform a decision making role. Their function is to provide advice on legal issues, correct application of the policy and how to guide and procedural matters.

**Occupational Health** are responsible for:

- providing medical advice to assist managers in deciding whether to make a referral to Occupational Health
- receiving referrals from management and reviewing individuals as appropriate
- requesting medical information
- making recommendations in line with the needs of the Constabulary/ command/ department.
The **Staff Association, Federation or Unison representative, Police Friend or Hampshire Constabulary work colleague** is responsible for:

- advising/ supporting their member/ colleague/ manager
- attending arranged pre-formal decision meetings/ formal meetings/hearings/ appeal meetings or ensuring formal meetings/ hearings/ appeal meetings are covered
- making representations, advocating and mitigating on behalf of the individual, submitting papers, asking questions and addressing a meeting on behalf of the individual.

They may not answer questions on behalf of the individual.
Appendix 1 – Calculating an absence trigger point – short term absence

The trigger point calculation is based on the FTE hours that an individual works.

For part-time individuals the trigger point for 'days' will be pro-rated, on the basis of their full time equivalent (FTE) hours.

The formula for obtaining the trigger point for ‘days’ is \( 12 \text{ days} \times \text{FTE} \), rounded up to the next whole day.

For example;

A full-time police officer works 40 hours per week so a part time officer working 25 hours per week has an FTE of 0.625 (25/40). In this example the officer’s trigger would be 8 days \((0.625 \times 12 = 7.5\) rounded up to 8).  

A full-time member of police staff works 37 hours per week so a part time staff member working 20 hours per week has an FTE of 0.54 (20/37). In this example the staff member’s trigger would be 7 days \((0.54 \times 12 = 6.48\) rounded up to 7 days).  

The trigger for the occasions of absence will not be pro-rated.