
Managing Attendance Policy

POLICY RECORD DETAILS

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2

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POLICY & DIVERSITY MANAGER
HUMAN RESOURCES**JOB TITLE****Dept / Directorate****CONTRIBUTORS:** (By Job title, department, directorate)TUS Chair and Members of FDA,
Prospect, PCS, Strategic HR Manager &
HRBPs**DATE/S OF PREVIOUS AGREED VERSIONS AND TITLES**

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APPENDIX 1 – THE ROLE OF THE COMPANION AT A HEARING

This policy should be read in conjunction with Managing Attendance Guidance

1. PURPOSE

1.1 The purpose of the Managing Attendance policy is as follows:

- a. to clarify the process for managing attendance;
- b. to support and help staff who have health problems;
- c. to achieve consistency throughout the Library;

- 1.2 The Library prides itself on its service to the public and therefore it is important that the Library manages attendance effectively in order to maintain high levels of service. Also all staff benefit from better levels of attendance as having the appropriate resource available to carry out the necessary work lessens the potential pressure on other staff.
- 1.3 All staff have a responsibility to attend work for the hours they are contractually obliged to work, but no one will be compelled to work when they are too ill to do so. Staff are missed when they are ill and the Library wants to help them make a full recovery. The Library has many types of help available when staff are sick. The Library's sick pay provisions are generous, and a phased return to work may be available to help staff with rehabilitation. Professional counselling (provided by the Library's Employee Assistance Provider - please refer to Managing Attendance Guidance section 21 for further information) and occupational health give support, advice and practical help. However, whilst staff are advised that professional counselling services are available for their support it is not obligatory that they use this service, and this will not be held against them if it becomes necessary to move to the more formal stages of this process. The Library will do all it can, as far as is reasonably practicable, to help staff who need extra support in the form of flexible hours and working patterns or special equipment.
- 1.4 The Library also needs to ensure that it maintains help and support to staff who are absent with a longer term illness, and managers will instigate "Keeping in Contact" arrangements which the Library will expect staff to co-operate with.
- 1.5 Line managers, not Human Resources, are primarily responsible for attendance and will report up the line management chain on the action they are taking to improve their staff's attendance. Line managers will be expected to know why their staff have been absent and should be actively involved in helping staff to improve their attendance. Human Resources has an important role in providing specialist advice and help.
- 1.6 The Library expects line managers to be as supportive as they possibly can, but also to identify poor attenders, and, in accordance with this policy, warn them of the consequences if their poor attendance continues, as soon as it becomes reasonable to do so. In line with the Library's duty of care to staff, line managers will also be expected to continually review the progress of staff absent due to long-term illness, with a requirement to review the position at least monthly.

2. SCOPE

- 2.1 This policy applies to all staff except those in their probationary period or any extension of that probationary period who are covered by a separate policy see Probation Policy.

3. POLICY STATEMENT

- 3.1. The Library is committed to a Managing Attendance policy that is fair and consistent for all staff. Most Library staff are good attenders and need and deserve support when too ill to come to work. The Library wishes staff to be away from work due to sickness for as short a time as possible. However sick

leave is only appropriate when staff are actually ill. For absences other than sickness, other forms of leave may be appropriate.

- 3.2. This policy is designed to help staff and line managers. It describes:
 - a. the Library's policy on managing sickness absence;
 - b. what staff need to do when they are absent on sick leave;
 - c. what managers are required to do to manage sickness absence in their areas.

- 3.3 Line managers have a responsibility to take an interest in the health and the well being of their staff. They have overall responsibility for managing attendance and are encouraged to talk to their staff about their non-attendance where appropriate, particularly if they are aware of a developing problem or of a trend of absence. Managers are normally the first point of contact on attendance issues. The Library expects managers to use judgement, sensitivity and common sense when managing attendance. This policy reinforces that aim. The key elements are that managers should:
 - a. hold mandatory **Welcome Back Discussions** (see section 16) after all periods of sickness and keep a record of the meeting;
 - b. keep in contact (see section 9) particularly with staff on long-term sick leave;
 - c. look carefully at patterns of short-term absence;
 - d. ensure that accurate absence records are kept;
 - e. review patterns of sick leave where there is cause for concern;
 - f. review regularly (at least monthly) the position of staff on long-term sick leave;
 - g. consider whether any reasonable adjustments need to be made in the workplace to lessen the occurrence of absence in line with Disability Discrimination Act 1995; advice may be sought from Human Resources and the Library's Diversity Manager (See the [Diversity Policy](#) and DDA Guidelines).

4. DUTY OF CARE TO ALL STAFF

- 4.1 The Library has a duty to protect its entire staff and will not permit a person to attend work if there is a significant risk of infecting or injuring others. There is an obligation on Human Resources to inform local management of known and well-founded hazards to staff. There is no obligation to inform local management of ailments or conditions which some staff may consider present a risk, whereas medical opinion states that there is none e.g. AIDS.

5. GENERAL PRINCIPLES

- 5.1 Staff must know what is expected of them.
- 5.2 The Library will ensure that adequate training is provided so that managers are able to operate this policy.
- 5.3 Shortcomings must be pointed out as and when they arise.

- 5.4 Staff must be given help, advice, guidance, the opportunity and time to improve their attendance.
- 5.5 This policy must be applied in accordance with the Library's Diversity Policy.
- 5.6 Each member of staff may seek assistance and support as necessary from a Trade Union representative at any stage of this policy, but may only be accompanied by their representative at any formal stages. The informal stages will involve a discussion between the member of staff and the line manager
- 5.7 All members of staff have the right of appeal (see Section 30).

6. CONFIDENTIALITY - REFER ALSO TO MANAGING ATTENDANCE GUIDANCE SECTION 3

- 6.1. Staff should be aware that in certain circumstances medical information may need to be divulged, such as to meet an emergency or to protect other staff. Examples of conditions which could justify disclosure to line management in order to meet an emergency are some forms of epilepsy, diabetes, heart disease and severe asthma, since line managers must be prepared to act (or to refrain from acting unwisely) if a member of staff suffers sudden acute symptoms.
- 6.2 If an individual's sick leave record is causing concern, the details may need to be discussed with, e.g. the line management, Human Resources, the Library's Occupational Health Advisors or Payroll.
- 6.3 Line managers and staff are reminded that all information about other staff's illnesses is confidential. Inappropriate divulging of information will be treated seriously and may be considered gross misconduct (see Section 5 of the Discipline Policy) and could lead to disciplinary action.

7. INITIAL CONTACT

- 7.1 If a member of staff is unable to attend work he/she (or a nominee) is required, at the earliest opportunity (which should normally be within an hour of expected arrival time), to contact his/her line manager by telephone (where practicable). If the line manager is unavailable the member of staff, (or their nominee) must notify another manager in his/her immediate working area (wherever possible). The line manager (or other manager who receives the notification) will make a note of the relevant facts. Please refer to Managing Attendance Guidance section 4.
- 7.2 When staff are unwell, in order to help their manager and colleagues cover their absence, they should give an indication as to why they are unable to attend work and an indication of when they are likely to return to work. Staff should also state whether medical advice (e.g. visit to GP or hospital) is being sought. Staff should agree to keep regularly in contact with their line manager as appropriate.
- 7.3 Staff who think they may have been in contact with a serious infectious disease (see Health Protection Agency (<http://www.hpa.org.uk/>) website)

should seek medical attention without delay and should not report for work unless authorised to do so by a doctor. Clearance certificates should be obtained before returning to work. Further contact with a suspected source of infection should be avoided. Please refer to [Managing Attendance Guidance section 6](#) for further information on German measles.

- 7.4 Line managers should be kept informed at all stages of an absence, which will be treated as special paid leave unless the illness itself is contracted, in which case it will be treated as sick leave.
- 7.5 Staff who have been in close contact (eg in a family setting) with German measles should report the fact to their line manager. If there is the likelihood of close contact at work with a woman who may be in the first 16 weeks of pregnancy, the line managers should arrange for either the pregnant woman or the person in contact with the disease to be moved to another area on a temporary basis and encouraged to seek medical advice.
- 7.6 If the absence is the result of an injury sustained at work, it is important that this should be explained and the manager should record this fact. (See the Library's [Health & Safety policy](#) for guidance and refer to [Managing Attendance Guidance section 7](#) for further information). The individual should also ensure that the injury is recorded see Health & Safety Management - Accident Reporting.
- 7.7 Any unreasonable delay in making contact or in supplying self-certification of absence or medical certificates may result in sick pay being withheld. (It is recognised that giving adequate notification may be easier for some members of staff than others). If contact is not made by the start of the second day of absence, the line manager (in line with the Library's duty of care) will contact the member of staff to ascertain his/her circumstances or will notify Human Resources, who will contact the member of staff on the line manager's behalf. Contact may be made sooner by HR if there are serious concerns about the welfare of the individual.

8. RECORDING ATTENDANCE

- 8.1 Each line manager is responsible for recording attendance in his/her area and submitting the information to Payroll as required. Administration of recording can be delegated. The responsibility for review and action lies with line managers. Please refer to [Managing Attendance Guidance section 8](#) for further information.
- 8.2 Where Optimum is in use, managers should record sickness absence, including the nature of illness, on the Optimum time recording system. In exceptional circumstances where the nature of illness is not known, the appropriate credits 'Sick Self Cert' or 'Sick Med Cert' should be chosen to record the absence. Later, when the self/medical certification is received, and before it is passed to Payroll, the absence reason should be changed on Optimum. 'Sick Self Cert' and/or 'Sick Med Cert' should only be retained in exceptional circumstances, where the nature of illness is such that the individual has specifically asked that it is not disclosed to their immediate line manager (as outlined in paragraph 14.1).

- 8.3 Staff are reminded of the confidentiality of this information. See paragraph 6.3.

9. KEEPING IN CONTACT

- 9.1 Keeping in Contact is an essential part of the Library's Managing Attendance policy. Keeping in Contact benefits both staff and the Library for it ensures that the line manager (and therefore the Library) has up to date information on a member of staff's absence and can offer any support that is necessary to enable him/her to return to work as soon as possible. Staff are therefore responsible for keeping their managers informed when on sick leave and, if the absence extends, they should do this on a weekly basis. Alternatively, staff can arrange for their line manager to contact them. Please refer to [Managing Attendance Guidance section 5](#) for further information.
- 9.2 It is essential that line managers maintain contact with staff who are off sick and that staff are supported and encouraged to return to work when they have recovered. In some circumstances a member of staff's sickness record will give cause for concern because of its effect on his/her area's efficiency. There will be occasions when staff may need help and advice from Human Resources and/or the Library's Occupational Health Advisers.
- 9.3 Where staff deliberately fail to follow the "Keeping In Contact" procedure outlined above, the Library may withhold pay and staff may become liable to disciplinary action which, in serious cases, may ultimately lead to dismissal.

10. SPELL OF SICKNESS ABSENCE LASTING UP TO AND INCLUDING 7 CALENDAR DAYS

- 10.1 Staff are required to fill in a self certification form for all sick absences that *last 7 calendar days or less*, or for the first 7 days of any longer illness unless a medical certificate is provided to cover the whole period. This form is available on the Library's Intranet, from line managers or from Payroll. The Library reserves the right to require a member of staff, even during the first 7 days of absence, to obtain a report or certificate from his/her GP in relation to their current illness, or with respect to his/her general health, rather than relying only on a Self Certification form. The Library will reimburse any reasonable fee charged by the GP.
- 10.2 The absence will be discussed at the Welcome Back Discussion (see section 16). Please refer to [Managing Attendance Guidance section 9](#) for further information

11. SPELL OF SICKNESS ABSENCE WHICH CONTINUES FOR MORE THAN 7 CALENDAR DAYS

- 11.1 In cases of prolonged sick absence (i.e. for periods lasting 8 or more consecutive days from the first day of absence) it is important that the total period of absence is covered either by a medical certificate, or a combination of both a medical certificate and a self-certificate. It is important all certificates are sent in promptly (see Paragraph 13.1). Periods of sick absence which have been covered by a doctor's certificate may not be extended by self-certification. If a further period of sickness occurs after the original period of

medical certification has ended these further periods of sickness should be treated as a new incident and will require further certification. It is the line manager's responsibility to forward all relevant documentation to Payroll. In exceptional cases (e.g. national epidemics) it may be necessary for staff to self-certificate themselves for spells of absence which continue for more than 7 calendar days, if they have been unable to make contact with their GP. In such cases a back-dated certificate should be provided once a GP has been consulted. Please refer to [Managing Attendance Guidance section 9](#) for further information.

- 11.2 Where a self-certificate form is not available then a letter covering the same information should be sent.

12. PARTIAL ATTENDANCE

- 12.1 When a member of staff has been unable to complete a full working day due to illness, that day will be recorded as sick leave if less than 2 hours attendance has been made, excluding overtime periods. Full contractual hours will be credited for that day if 2 or more hours attendance has been made, but management may withhold credit if they have reason to believe that this privilege is being abused.

- 12.2 It is good practice for managers to keep a record of such occurrences, particularly if there is a history of such absences, or if they are linked to a pattern of irregular attendance. If these occurrences raise concern, they may lead to a referral to the Library's occupational health advisers, or the Formal Warning Procedure being invoked.

13. SICKNESS AND ANNUAL LEAVE

- 13.1 Annual leave may not normally be taken as an alternative to sick leave. Staff who become ill while on annual leave and who do not expect either to be able to return to work on the pre-arranged date, or to follow their holiday plans, should send, as soon as possible, to their line manager a self-certificate or a medical certificate from a doctor, together with a letter of explanation. Provided that the period of illness significantly interrupts the period of annual leave i.e., 4 or more days of continuous illness, the absence will be recorded as sick leave and the appropriate period of annual leave restored.
- 13.2 If staff, while on holiday, submit a medical certificate from abroad, the decision on whether paid sick leave will be granted will normally be deferred until the member of staff has returned to the United Kingdom. Where necessary, advice may be sought from the Library's occupational health advisers.
- 13.3 When a period of medically certificated sick leave is immediately followed by a period of annual leave, of any length, and the two periods overlap, a doctor's statement confirming the member of staff's fitness for work should be sent to the line manager before the annual leave is started. In any event staff must consult their line manager and, before taking annual leave following any period of self-certificated sick leave, should confirm in writing their fitness to resume work.

- 13.4 Staff who are on sick leave who have previously booked annual leave, or who are on long-term sick leave and wish to go on holiday should contact their immediate line manager in good time to discuss the matter.
- 13.5 Normally the holiday period will be recorded as annual leave. However, under its duty of care, the Library will need to be satisfied that the holiday planned does not represent a serious risk to recuperation.
- 13.6 The manager approving the leave is responsible for informing Payroll, in advance of the leave being taken, so that the appropriate pay adjustments can be made.
- 13.7 The provisions regarding the carry-over of leave are as set out in [Section F: Leave and Holidays](#): paragraph 11 of the Staff Handbook. These apply to all staff. Thus staff who are on long-term sick leave at the end of their leave year (or return to work shortly before the end) will be able to carry-over 10 days. However, in addition, staff in these circumstances will be paid for up to 10 days for any further outstanding annual leave. Advice from HR may be sought in order that exceptional cases may be dealt with sensitively and with common sense.
- 13.8 Requests for time off for appointments relating to infertility treatment should usually be approved. The usual consideration and procedures for gaining medical appointments should be used (please refer to leave for medical appointments [Section G, Staff Handbook](#)). Should sickness absence occur following treatment, the days absent should be recorded in the usual way. Line managers should not normally consider taking formal action for reasonable absence due to infertility treatment

14. CERTIFICATION OF SICK ABSENCE

- 14.1 Self-Certificates and/or medical certificates should normally be given to the line manager for onward transmission to Payroll. If in exceptional circumstances staff prefer not to reveal medical details to their immediate line manager they may submit their certificates in a sealed envelope for forwarding to a senior manager in the same line, or Payroll. A covering note should be attached stating that they wish the information to remain confidential.
- 14.2 When staff choose to return to work before their medical certificate expires, they will be required to obtain the consent of their doctor.

15. ABUSE OF CERTIFICATION

- 15.1 Any member of staff who submits a certificate when fit for work, or who is found to be undertaking activities which are not compatible with the claim to be unable to carry out their normal duties, is making a false claim. This is considered as gross misconduct (see Section 5 of the [Discipline Policy](#)) and staff will be subject to disciplinary proceedings, which could result in dismissal. Please refer to Managing Attendance Guidance section 10 for further information.

16. WELCOME BACK DISCUSSIONS

- 16.1 In line with the Library's duty of care, managers are responsible for checking that a member of staff is fit to return to work, advising them what has been happening whilst he/she has been away, review his/her level of attendance (if appropriate) and discuss any concerns. This is not optional and should take the form of a discussion after a member of staff returns from any period of sick leave and a record of the meeting should be kept confidentially for their own records (See [Managing Attendance Guidance – Appendix 4](#)). This discussion should be carried out in an appropriately sympathetic and sensitive manner. The aim of the discussion is to:
- a. welcome staff back to work;
 - b. check that staff are well enough to be back at work;
 - c. confirm that he or she has been missed;
 - d. let staff know if, and how, their work has been covered during their absence;
 - e. describe any changes in work in their absence;
 - f. update them on any important information;
 - g. identify problems which may cause them to be absent again, or be part of a pattern of absence;
 - h. remind staff of the services of the Employee Assistance Provider (CIC);
 - i. enable managers to provide help, guidance or advice which will help staff to avoid similar absence in the future.

Please see [Managing Attendance Guidance section 11](#) for advice on conducting welcome back discussions.

The Welcome Back Discussion is distinct from any unsatisfactory attendance action a line manager may be considering. If an exploratory discussion, informal or formal meeting is necessary it should be arranged quite separately from the Welcome Back Discussion.

In the case of absence for reasons other than sickness, see [Section F \(Special Leave\)](#) of the Staff Handbook.

17. EXCESSIVE ABSENCES

- 17.1 When the frequent absence of a member of staff adversely affects the efficient running of their section, it may be necessary to consider ill-health retirement or dismissal on grounds of poor attendance.
- 17.2 Managers should consider the reasons for absence together with the number of occurrences and, if the absence(s) gives cause for concern an exploratory discussion should be arranged with the individual to investigate the cause for the absences and to establish if there are any contributory factors that the Library can help to rectify. Please refer to [Managing Attendance Guidance section 13](#) for further information on absences which should be given special consideration.
- 17.3 All sickness absence whether self-certificated or medically certificated, which totals 5 working days or more in a 6-month period (pro-rated for part-time staff – see [Managing Attendance Guidance section 12](#) for more information) is a

cause for concern, particularly self-certificated sick leave arising from minor non-recurrent ailments.

- 17.4 A formal meeting may be held with staff if sickness absence totals 10 working days or more in a 12-month period (pro-rated for part-time staff - see [Managing Attendance Guidance section 12](#) for more information) and, if appropriate, a formal warning may be given. However, prior to this there will usually have been:
- an exploratory discussion, to investigate the cause for the absences and to establish if there are any contributory factors that the Library can help to rectify (see sections 17.8 to 17.11), and an informal warning (see sections 17.12 to 17.15).
- 17.5 For the purposes of monitoring, working days means that Saturdays, Sundays and public and privilege holidays which occur within a period of sick absence will not be counted unless these days are part of the individual's contractual hours.
- 17.6 The 6-month or 12-month period is always the 6 months or 12 months prior to the end-date of the most recent sick leave included in the monitoring.
- 17.7 For long term absence see Paragraph 18.

Exploratory Discussion

- 17.8 It is important that managers understand that guidance, support, counselling or informal warnings is, in most cases, a more satisfactory method of resolving issues than formal action. The objective of such support is to help, whenever possible, the member of staff reach the required standard. Whilst the Library recognises that staff may have to take time off due to sickness, given the additional pressures on other team members during such absences it is important to minimise time off work due to sickness.
- 17.9 If a manager is concerned about a member of staff's attendance it is important that an early discussion takes place to explore whether there are any underlying health or work related issues that need addressing. This exploratory discussion should take place as soon as possible after the member of staff has returned to work, but should occur on a separate occasion from the Welcome Back Discussion. Please refer to Managing Attendance Guidance section 15 for information about conducting exploratory discussions.
- 17.10 As stated in sections 17.8 and 17.9 and in order to ensure consistency across the Library, managers should consider exploratory discussions where one of the following applies, taking into account the Managing Attendance Guidance section 15:
- a. 1 day's unexplained or unauthorised absence;
 - b. a pattern of absence that may lead to concern is emerging, for example;
 - Mondays and/or Fridays;

- Self-certificated absence most months, particularly arising from minor non-recurrent ailments
- c. regular absence with the same illness (a work place assessment may be necessary or referral to Occupational Health to consider whether adjustments are necessary under the Disability Discrimination Act);
- d. 5 days of self/medically certificated sick leave in 6 months, or less than 6 months (pro-rated for part time staff).

17.11 These 'triggers' should not be interpreted as an indication of an 'acceptable' or 'unacceptable' level of attendance, but rather are meant as guidance to line managers regarding when the Library considers that additional discussion with members of staff about their attendance is required. Line managers can obtain the appropriate information (in confidence) regarding the absence record of a member of staff from the Payroll team, but are encouraged to keep their own confidential records to ensure they can deal with any absence problems promptly.

Informal Warning

17.12 Line managers should proactively discuss attendance with staff where there is cause for concern, to investigate further the cause for the absence(s) and to establish if there are any contributory factors that the Library can help to rectify. If appropriate an informal warning can be given if any of the following apply:

- there continues to be a cause for concern
- 7 days self/medically certificated sick leave in 9 months, or less than 9 months (pro-rated for part-time staff)

17.13 When managers find they have reached the informal warning stage they should make it clear to their staff that they are giving an informal warning. The informal warning is to identify the need for improvement and to avoid wherever possible the need for more formal action later. The aim is to offer support to staff to overcome problems and help them return to an acceptable level of attendance. The member of staff will be informed that his/her attendance is expected to improve to an acceptable standard to avoid the need for more formal action (please refer to [Managing Attendance Guidance section 16](#) for further information).

17.14 Managers should note that informal warnings are not part of the formal warning procedures, but should retain their file notes of all informal warnings (copies of which should be sent to the member of staff), as they will be relevant if formal action is considered necessary at a later stage. A printed version of an electronic record will normally be sufficient. It is essential that these notes are kept securely and confidentially and are **not** sent to Human Resources for their file. The manager should give a note of the meeting to the individual confirming the key issues discussed and should not normally keep this note for longer than 12 months.

17.15 If the informal action has not led to the necessary improvements, or if the issue requires more serious action, then the Formal Warning Procedure should be invoked promptly.

18. LONG TERM ABSENCE

- 18.1 During any period of absence, line managers should try to balance the needs of the Library with support for staff that are suffering from long-term sickness. Where long-term absences arise, the line manager will keep in regular contact (at least monthly) with his/her staff, which may be by telephone, by the member of staff coming into the office if they are able to do so, or by visiting them (if agreed by the member of staff) as part of the Keeping in Contact procedures. Please refer to [Managing Attendance Guidance section 20](#) for further information.
- 18.2 If after 4 weeks continuous absence (or earlier if there is a particular reason for concern), there is no date or prognosis for a return to work, the manager should consult with Human Resources to consider whether a referral to the occupational health advisers is appropriate (see Paragraph 19). The purpose of the referral is to ascertain if there is a reasonable prospect of recovery, whether the member of staff is fit to undertake the work he/she is contracted to do, and if and when it can be reasonably anticipated that he/she will be fit to return to work, or whether adjustments should be considered.
- 18.3 If the absence is prolonged, the manager should arrange a meeting with the member of staff if appropriate. The objective of this meeting is to help provide the Library with sufficient information to make a decision on how to proceed and to investigate support and assistance which can be offered. The manager may be accompanied by a Human Resources representative and the member of staff may be accompanied by a colleague or union representative. Sufficient notice of the meeting should be given by the manager in order for the necessary arrangements to be made. This meeting should be handled sensitively and the following points/issues should be explored at which the member of staff's views will be sought regarding:
- a. the expected length of absence;
 - b. the longer term effects of the illness/injury (if any);
 - c. the possibility of a re-occurrence of the illness/injury
- 18.4 If the member of staff is unable to answer any of these questions, or should additional information be required, a (further) report may be obtained from the Library's occupational health advisers. The objective of the report is to provide the Library with sufficient information to make a decision on how to proceed and to investigate support and assistance which can be offered. Once this information is available the manager should discuss it with the member of staff.

19. MEDICAL ADVICE & REPORTS

- 19.1 At any stage the Library may seek to obtain any further specialist medical advice that may be required, via the Library's occupational health advisers, about the member of staff's illness and any diagnosis or prognosis and any working environment issues. Where poor attendance may be attributable to an underlying health problem the individual's consent should be sought for an approach to the Library's occupational health advisers for medical advice about their ability to provide regular and effective service to the Library in the future.

- 19.2 A member of staff is strongly encouraged to co-operate in helping to establish his/her medical position as it is in his/her interests to do so. Staff may be requested to sign a consent form (which will be provided by the Occupational Health Provider), giving their consent for the Library's Occupational Health Advisers to access their medical records, under the Access to Medical Reports Act 1989. All information is exchanged in the strictest medical confidence between the medical personnel concerned. It is not disclosed to the Library but advice is given to Human Resources based on the details disclosed and this advice is then passed to the line manager for discussion with the individual. Any member of staff who refuses to co-operate, attend a medical examination or consent to the Library's occupational health advisers having access to relevant medical reports, should be advised that the Library will be forced to make a decision about the individual's ability to attend for work based on the information available, which could be disadvantageous to the member of staff and this may affect his/her continued employment with the Library.
- 19.3 Under the terms of the Access to Medical Reports Act 1989 individuals have the right of access to medical reports relating to themselves which are provided by their doctor or hospital consultant for employment or insurance purposes. The Act covers only medical reports prepared by a medical practitioner who is, or has been, responsible for the continuing clinical care of the individual. All applications to see medical reports should be made to the medical practitioner concerned and not to the Library.
- 19.4 For Library staff the Access to Medical Reports Act will apply when Human Resources wishes to obtain advice from the Library's occupational health advisers concerning sickness absence, ill-health retirement, dismissal, recruitment cases and other issues.
- 19.5 If the individual has agreed for their case to be referred to the Library's occupational health advisers the next action will depend on the outcome of this referral.
- 19.6 The Library's Occupational Health Advisers may advise that the medical problem has now been resolved, in which case no further action will be taken providing the level of attendance returns to a satisfactory level in an agreed timescale (see Section 17 of this policy). If the timescale involved is not acceptable to the Library the individual should be warned that they may be dismissed on the grounds of unsatisfactory attendance as detailed in this Policy.
- 19.7 The Library's Occupational Health Advisers may indicate that the medical problems can be resolved in time and the member of staff may be able to resume regular and effective service at some point in the future. If the time scale for a return to work is not acceptable to the Library the individual should be warned that they may be dismissed on the grounds of unsatisfactory attendance following a hearing under Stage 4 of this policy. Clearly what is regarded as an acceptable timescale will depend on the circumstances of the case, but this would not normally be less than 6 months from the receipt of the initial occupational health advisers report. It is important that each case is assessed on an individual basis and the nature of the reasons for the absence(s) taken into account when deciding future action.

- 19.8 The Library's Occupational Health Advisers may indicate that the medical problems will continue and that the member of staff's attendance is not expected to return to a satisfactory level. Applications for ill-health retirement may be made by the individual or the Library and may be submitted only through Human Resources. If the medical problems do not meet the criteria for ill-health retirement (see Paragraphs 33.1 – 33.3), and the member of staff is unable to return to work he/she should be warned that he/she may be dismissed on the grounds of unsatisfactory attendance following a hearing under Stage 4 of this policy.
- 19.9 Staff who are dismissed on the grounds of unsatisfactory attendance would normally qualify for full compensation provided evidence exists, or can be obtained, to show that the inability to attend is beyond the control of the individual in line with paragraph 2 (i) of Annex A "Determining eligibility for compensation when staff are dismissed for inefficiency" to Cabinet Office PIN 40 "Dismissal for inefficiency: Compensation".

20. RETURN TO WORK

- 20.1 Once medical advice is available, the line manager (advised by Human Resources and the Library's Diversity Manager if appropriate and in line with any medical advice received) must consider any reasonable adjustments to the member of staff's existing role. (See the [Diversity Policy](#) and Disability Discrimination Act (DDA) Guidelines).
- 20.2 Staff returning to duty after sick leave may apply to work part-time on medical grounds for a period of up to 3 months until they are fit to resume full-time work.
- 20.3 Applications, with supporting documentation from the individual's GP or specialist, should be sent via the line manager to Human Resources who may consider the advice of the Library's Occupational Health Provider and advise the Payroll Section accordingly. The shortfall in conditioned hours will be aggregated and paid at the appropriate sick pay rate.
- 20.4 Annual leave taken during this period will be paid at the daily rate of pay, including sick pay, that would have been due had staff attended for work.
- 20.5 If the member of staff is unable to return to his/her existing role alternative employment options may be considered, including transfers and part-time working for which the appropriate adjustment to pay will be made. This may include a trial period in a different role, which would normally be reviewed at the end of a one-month period; sooner if required. These options should be discussed with the member of staff. They are in line with the Library's Diversity Policy, which provides information about the nature of adjustments that can be made to help staff to remain in the Library's employment. Further guidance will also be provided by Human Resources.

21. STAFF WHO ARE UNABLE TO RETURN TO WORK

- 21.1 Should the options in section 20 not be possible, or prove unsuccessful, a senior manager must make a decision regarding the continued employment of the member of staff. This could result in an application for ill-health retirement being submitted by Human Resources (see Section 33) or the

termination of his/her contract with full notice which will be carried out under Stage 4 of this policy (see paragraphs 25 and 26).

However, before a Stage 4 hearing is held:

- Medical reports must have been received (unless the member of staff has refused to consent to this) (see Section 19).
- Consideration must have been given to rehabilitation/redeployment (see Section 20).

21.2 Where a member of staff's absence is due partially or wholly to pregnancy or childbirth, dismissal will not be considered if the absence occurs during the pregnancy or during the statutory maternity leave period (unless the member of staff has returned to work). However, absences outside of the pregnancy / statutory maternity leave period will be dealt with in accordance with this policy. According to the circumstances a number of options are available which will be discussed with the member of staff. These include the individual remaining on sick pay or automatically commencing maternity leave where the absence is a pregnancy related sickness and occurs within the 4 weeks prior to the expected date of birth.

22. GATHERING THE FACTS PRIOR TO A POSSIBLE FORMAL INTERVIEW OR HEARING

22.1 Prior to a possible formal interview or hearing being held at any of the stages of the formal procedure set out below, it will be necessary for the manager to obtain all the relevant information regarding the member of staff's attendance record and any other relevant facts.

22.2 It may be that the manager decides that formal action should not be taken, having considered all the information, or it may be that the manager decides that further help and support are more appropriate. The consideration of formal action should take into account the Managing Attendance Guidance in this policy.

22.3 However, if a formal interview or hearing is considered necessary, the procedures outlined in the sections below should be followed. The decision, at this point, is based solely on whether the attendance record is sufficiently serious to justify a formal interview or hearing being held.

23. STAGE 1 OF FORMAL WARNING PROCEDURE: FORMAL ORAL WARNING

23.1 If there are further sick absences, it may be necessary to consider more formal action. The guidelines for considering such action are as follows:

- there continues to be cause for concern
- 10 days self/medically certificated sick leave in 12 months, or less than 12 months (pro-rated for part-time staff). Please refer to [Managing Attendance Guidance section 18](#) for further information.

It is very important to be aware that unsatisfactory attendance is not simply a matter of numbers and managers should note that formal action should not be

an automatic response. Each case should be assessed on an individual basis taking into account the nature of the reasons for the absence. Advice and guidance can be sought from Human Resources. The consideration of formal action should take into account the Managing Attendance Guidance in this policy.

- 23.2 If a Formal Oral Warning is considered necessary, the member of staff will be required to attend a formal interview where he/she will have the right to be accompanied by a trade union representative or by a companion.
- 23.3 In order to convene the interview the manager must write to the member of staff concerned:
- a. confirming the date of the interview and its status, i.e. that it is a formal stage 1 interview to consider their attendance - see template letter in Appendix 7 of Managing Attendance Guidance;
 - b. if the employee has any special needs ensure these are addressed in advance;
 - c. identifying the concern (s) under consideration;
 - d. outlining the key facts as established so far;
 - e. notifying the individual of the names of the managers who will be present, and informing them that they may make observations on the composition of the panel to the manager chairing the interview (who should take advice from Human Resources).
 - f. confirming that he/she has the right to be accompanied by their trade union representative or a companion.
 - g. book a confidential room for the meeting in which there will be no interruptions.
- 23.4 Full details of the reasons for the interview plus a copy of this policy will be made available to the member of staff in advance of the interview. Where possible this information will be sent at the time of the notification and at the very least within 1 day of the interview. The member of staff will then be given the opportunity to respond.
- 23.5 A minimum of 5 working days notice will be given for this interview. The member of staff may request a postponement of up to a further 5 days, where there are exceptional circumstances, e.g. to enable his/her trade union representative or companion to attend the formal interview. If the member of staff is bringing a companion, the manager should ensure that relevant information is provided to the companion to enable them to fully understand their role (please see Managing Attendance Guidance section 19 for further information). The manager conducting the interview may be accompanied by another manager, or by a member of Human Resources. The member of staff will be informed that his/her attendance is expected to improve to an acceptable standard within a specified timescale (see Paragraph 23.7). The manager must keep a file note of the key details. A copy of these notes will be given to the member of staff within 5 working days.
- 23.6 When a Formal Oral Warning is issued it will specify that if the member of staff's attendance does not reach the required standard then Stage 2 may be invoked. The member of staff will also be advised of their right to appeal (see Section 30).

23.7 During any formal warning period, guidance needs to be given to staff so that they are clear about the improvement required of them. Although staff are expected to aim for 100% attendance during any formal warning period, the guidelines below give a framework for the standard required within any of the formal warning stages:

- 3 days self/medically certificated absence in 4 months (pro-rated for part-time staff).

This framework may need to be adjusted depending on medical advice received and/or whether the Disability Discrimination Act applies and reasonable adjustments are necessary. Advice and guidance can be sought from Human Resources. For further information on the Disability Discrimination Act refer to [Managing Attendance Guidance section 14](#).

Further absences following the successful completion of this period do not automatically indicate that further formal action will be taken.

23.8 The member of staff will receive written confirmation from the manager if he/she has achieved the required standard at the end of the period of the warning.

23.9 Any warning given at this stage will remain “active” for 12 months following the formal interview. In the event that required standard is not achieved or serious lapse or repeated lapses occur, these should be dealt with promptly. The next stage of the Formal Warning Procedure (see paragraph 24) may be invoked if appropriate.

23.10 Staff may request that warnings be removed from their files when the warning ceases to be active and may enlist the support of their Trade Union representative in making this application.

24. STAGE 2 OF THE FORMAL WARNING PROCEDURE: FIRST WRITTEN WARNING

24.1 It is very important to be aware that unsatisfactory attendance is not simply a matter of numbers and managers should note that the next stage of formal action should not be an automatic response. Each case should be assessed on an individual basis taking into account the nature of the reasons for the absence. Advice and guidance can be sought from Human Resources. The consideration of formal action should take into account advice for managers in this policy.

24.2 In the event that the member of staff does not reach the required standard following Stage 1 of the Formal process (Formal Oral Warning), the manager should give further consideration to the nature of the case in conjunction with the advice for managers in this policy. If the manager considers that formal action should continue, it will be necessary to go to Stage 2 (first written warning).

24.3 In order to convene the interview the manager must write to the member of staff concerned as outlined in paragraphs 23.3 to 23.5.

- 24.4 If a First Written Warning is necessary, the member of staff will be informed that if his/her attendance does not reach the required standard then Stage 3 may be invoked. As in the other stages, attendance will be expected to improve to an acceptable standard within a specified timescale (see Paragraph 23.7):
- 3 days self/medically certificated absence in 4 months (pro-rated for part-time staff). Please refer to [Managing Attendance Guidance section 18](#) for further information.
- 24.5 The outcome of the interview will be confirmed to the member of staff in writing by the manager, normally within 5 working days of the interview, and a copy of the letter should be sent to Human Resources to be retained on the individual's file. The member of staff will also be advised of their right to appeal (see Section 30). – see template letter in [Appendix 8 of Managing Attendance Guidance](#);
- 24.6 The member of staff will receive written confirmation from the manager if he/she has achieved the required standard at the end of the period of the warning.
- 24.7 Any warning given at this stage will remain “active” for 12 months following the formal interview. In the event that required standard is not achieved or a serious lapse or repeated lapses occur, these should be dealt with promptly. The next stage of the Formal Warning Procedure (see section 25) may be invoked if appropriate.
- 24.8 Staff may request that warnings be removed from their files when the warning ceases to be active and may enlist the support of their trade union representative in making this application.

25. STAGE 3 OF THE FORMAL WARNING PROCEDURE: FINAL WRITTEN WARNING

- 25.1 It is very important to be aware that unsatisfactory attendance is not simply a matter of numbers and managers should note that continued formal action should not be an automatic response. Each case should be assessed on an individual basis taking into account the nature of the reasons for the absence. Advice and guidance can be sought from Human Resources. The consideration of formal action should take into account the [Managing Attendance Guidance section 18](#).
- 25.2 If the required improvement has not been made following the First Written Warning (Stage 2), the manager should give further consideration to the nature of the case in conjunction with the advice for managers in this policy. If the manager considers that formal action should continue, it will be necessary to go to Stage 3 (final written warning).
- 25.3 In order to convene the interview the manager must write to the member of staff concerned as outlined below:

- a. confirming the date of the interview and its status, i.e. that it is a formal stage 3 interview to consider their attendance - see [template letter in Appendix 7 of Managing Attendance Guidance](#);
 - b. if the employee has any special needs ensure these are addressed in advance;
 - c. identifying the concern (s) under consideration;
 - d. outlining the key facts as established so far;
 - e. notifying the individual of the names of the managers who will be present, and informing them that they may make observations on the composition of the panel to the manager chairing the interview (who should take advice from Human Resources). The Stage 3 formal interview will be chaired by a manager who is senior to the manager who considered Stage 2 or other arrangements by agreement.
 - f. confirming that he/she has the right to be accompanied by their trade union representative or a companion.
 - g. book a confidential room for the meeting in which there will be no interruptions.
- 25.4 Full details of the reasons for the interview plus a copy of this policy will be made available to the member of staff in advance of the interview. Where possible this information will be sent at the time of the notification and at the very least within 1 day of the interview. The member of staff will then be given the opportunity to respond.
- 25.5 A minimum of 5 working days notice will be given for this interview. The member of staff may request a postponement of up to a further 5 days, where there are exceptional circumstances, e.g. to enable his/her trade union representative or companion to attend the formal interview. If the member of staff is bringing a companion, the manager should ensure that relevant information is provided to the companion to enable them to fully understand their role (please refer to [Managing Attendance Guidance section 19](#)). The manager conducting the interview must be accompanied by a member of Human Resources. The member of staff will be informed that his/her attendance is expected to improve to an acceptable standard within a specified timescale (see Paragraph 23.7). The manager must keep a file note of the key details. A copy of these notes will be given to the member of staff within 5 working days.
- 25.6 If a Final Written Warning is necessary, the member of staff will be informed that if his/her attendance does not reach the required standard then Stage 4 may be invoked and action may be taken which could include dismissal. As in the other stages, attendance will be expected to improve to an acceptable standard within a specified timescale (see Paragraph 23.7):
- 3 days self/medically certificated absence in 4 months (pro-rated for part-time staff).

This framework may need to be adjusted depending on medical advice received and/or whether the Disability Discrimination Act applies and reasonable adjustments are necessary. Advice and guidance can be sought from Human Resources.

Further absences following the successful completion of this period do not automatically indicate that further formal action will be taken.

- 25.7 The outcome of the interview will be confirmed to the member of staff in writing by the manager, normally within 5 working days of the interview, and a copy of the letter should be sent to Human Resources to be retained on the individual's file. The member of staff will also be advised of their right to appeal (see Section 30) – see [template letter in Appendix 8 of Managing Attendance Guidance](#).
- 25.8 The member of staff will receive written confirmation from the manager if he/she has achieved the required standard at the end of the period of the warning.
- 25.9 Any warning given at this stage will remain “active” for 12 months following the formal interview. In the event that the required standard is not achieved or a serious lapse or repeated lapses occur, these should be dealt with promptly. The next and final stage of the Formal Warning Procedure (see Paragraph 26) may be invoked if appropriate and action may be taken which could include dismissal.
- 25.10 Staff may request that warnings be removed from their files when the warning ceases to be active and may enlist the support of their trade union representative in making this application.

26. STAGE 4 OF THE FORMAL WARNING PROCEDURE: HEARING TO CONSIDER DISMISSAL

- 26.1 It is very important to be aware that unsatisfactory attendance is not simply a matter of numbers and managers should note that continued formal action should not be an automatic response. Each case should be assessed on an individual basis taking into account the nature of the reasons for the absence. Advice and guidance can be sought from Human Resources. The consideration of formal action should take into account the Managing Attendance guidance.
- 26.2 If the required improvement has not been made following the Final Written Warning (Stage 3), the manager should give further consideration to the nature of the case in conjunction with the advice for managers in this policy. If the manager then considers that formal action should continue, it will be necessary to convene a stage 4 hearing to consider dismissal (see section 27 and 28).
- 26.3 HR will create a case summary which may include: up-to-date sickness data, occupational health reports and the staff member will be sent a copy of the Managing Attendance policy.
- 26.4 The member of staff will be asked to attend a hearing which will be chaired by a senior manager, who works directly to another Director and who has not previously been involved in, or connected with, the case. The Chair will be joined on the panel by two other managers who have also not previously been involved in, or connected with the case and one of the managers will be from Human Resources.
- 26.5 After consideration of the facts (and the member of staff's general service record) and after any appropriate adjournments to consider what action should be taken, if the decision is taken to dismiss the member of staff, the

reasons for the dismissal will be provided within 5 working days of the decision being made. In any event it should be confirmed in writing within 14 calendar days of the date of the decision to dismiss and staff notified of their right to appeal.

- 26.6 Management will prepare a record of the meeting, which will be sent out with the letter. The member of staff has a right to comment formally on the record and both the record and the member of staff's comments will be kept together on their personal file.
- 26.7 The hearing will also decide whether compensation is appropriate and the level of that compensation. (See paragraph 19.9).

27. CONVENING A STAGE 4 HEARING TO CONSIDER DISMISSAL (ATTENDANCE)

- 27.1 In order to convene the hearing the manager must write to the member of staff concerned as outlined in paragraph 23.3 – see [template letter in Appendix 9 of Managing Attendance Guidance](#).
- 27.2 In this event the member of staff will be required to attend a hearing where he/she will have the right to be accompanied (see [Section 29 and Managing Attendance Guidance section 19](#)) by a trade union representative or a companion.
- 27.3 For this hearing different timescales will apply. Normally 10 working days' notice of the hearing will be given. However, in exceptional circumstances and by agreement between the parties the hearing may take place at an earlier time or up to 20 working days from notice being given.
- 27.4 For a hearing to consider dismissal the Secretary of the appropriate Trade Union will be notified that a member of staff in a grade represented by the Union is subject to a Stage 4 hearing to consider dismissal. This will be done at the same time as the member of staff is notified of the hearing.
- 27.5 HR will create a case summary which may include: up-to-date sickness data, occupational health reports and the staff member will be sent a copy of the Managing Attendance policy.
- 27.6 Full details of the reasons for the hearing, the case summary plus a copy of this policy will be made available to the member of staff in advance of the hearing. The member of staff will then be given the opportunity to respond. Where possible this information will be sent at the time of the notification and at the very least within 1 day of the hearing. The member of staff will then be given the opportunity to respond. An individual has the right to question any aspect of the procedure up to the commencement of the hearing by writing to Human Resources. Any question of procedure arising during the hearing should be taken up at once with the Chair.

28. CONDUCTING A STAGE 4 HEARING TO CONSIDER DISMISSAL (ATTENDANCE)

- 28.1 In order to carry out the Library's duty of care to all its staff, managers attending hearings must note that staff subject to such proceedings or present as witnesses must be treated with courtesy and respect at all times. The member of staff is likely to find the proceedings to be stressful and difficult. At times the information discussed during the hearing may touch on personal and sensitive matters for the member of staff. He/she must be treated with due care and sensitivity. All information must be treated as confidential. The proceedings must be conducted in an impartial way in order to examine the evidence and if a decision to dismiss is taken it must be reasonable given the facts. The Library's Diversity policy must also be adhered to in spirit and in letter.
- 28.2 At the hearing the procedure will normally be as follows:
- a. the Chair will begin by detailing the reason for the hearing;
 - b. the appropriate manager will set out the information relevant to the case;
 - c. the Chair should ask the member of staff if they would like to state any mitigating circumstances for the attendance problems, or if there are any special circumstances to be aware of.
 - d. the member of staff, or their trade union representative, or their companion, will then be given the opportunity to state the member of staff's case. The Chair will ensure that the evidence is examined and discussed giving the member of staff every opportunity to respond until the full circumstances have been explored and clarified. This should include any mitigating circumstances. The trade union representative or the companion should not normally respond to questions put directly to the member of staff; however the trade union representative or the companion may assist the member of staff in replying to questions where this would be helpful. At any time the trade union representative or the companion may confer with the member of staff (including a brief adjournment if appropriate) and make a statement on his/ her behalf.
 - e. if any new facts emerge, the chair will decide whether further investigation is required and if so adjourn the hearing and reconvene when the investigation is complete;
 - f. the member of staff will be informed once the relevant information has been gathered and provided with dates for the recommencement of the hearing. If a further adjournment is needed the member of staff will be informed as soon as possible of the appropriate arrangements;
 - g. following the conclusion of the hearing, the member of staff will be informed in writing (see Paragraph 26.3 and [Managing Attendance Guidance](#), appendix 10 for a template letter) as to what action, if any, is being taken (which must be reasonable in all the circumstances) and notified of their right of appeal (see section 30).
- 28.3 Management will prepare a record of the meeting, which will be sent out with the letter. The member of staff has a right to comment formally on the record, and both the record and the member of staff's comments will be kept together on their personal file.

29. TRADE UNION REPRESENTATIVE OR COMPANION

- 29.1 Each member of staff may seek assistance and support as necessary from a Trade Union representative or a colleague at any stage of this policy, but may only be accompanied by their representative at any formal stages. The informal stages will involve a discussion between the member of staff and the line manager.
- 29.2 The person chosen by the member of staff as his/her trade union representative or companion may be one of the following:
- a. a local trade union representative;
 - b. a work colleague (but not a family member, or partner);
 - c. a regional/headquarters official employed by a trade union.
- 29.3 Where the member of staff has a communication issue, for example any disability or where the member of staff's first language is not English, in the interests of equality and fairness an appropriate translator from outside the Library may attend, in addition to the companions listed in 29.2. The Library will normally pay for this service.
- 29.4 A guidance note is available (please refer to [Managing Attendance Guidance section 19](#)) and should be provided to a companion in order to assist in explaining his/her role at a hearing.
- 29.5 If there is a clear conflict of interest, with the Trade Union representative or companion, management may suggest that an alternative be found.
- 29.6 Human Resources may be consulted with regard to any queries or concerns over the appropriateness of a particular companion and will be the final arbiter in any disagreement. This does not apply to Trade Union representatives.
- 29.7 In all cases where this procedure is being used against a trade union representative, the representative may be the appropriate regional/headquarters official of the relevant Trade Union should the representative so wish.

30. APPEALS

- 30.1 Any member of staff who is dissatisfied with the outcome at any formal stage of the process may appeal to a member of line management immediately senior to the line manager (or other nominated manager) who has taken the decision. This appeal must be received by the nominated manager within 10 working days of the warning decision, or decision to dismiss (see Paragraph 26.5) being communicated to the member of staff. The appeal must be made in writing and should clearly state the basis on which the appeal is being made.
- 30.2 Only one appeal will be allowed at each stage of the formal procedure. There is no right of appeal against informal oral warnings or meetings at which support, advice, and guidance are given.

- 30.3 For an appeal, the member of staff will normally be asked to attend an appeal hearing where he/she has the right to be accompanied by a trade union representative or companion, (but not a family member or partner). The appeal hearing should be held within 10 working days of receipt of the appeal, but may be postponed by up to 5 days to enable the member of staff's chosen representative or companion to attend. The arrangements for the appeal hearing will be confirmed in writing.
- 30.4 The appeal hearing will consider the grounds for the appeal, which may be in respect of procedure, findings of fact or the decision. The appeal hearing will pay particular attention to any new evidence and allow the member of staff to comment on it. However other than in exceptional circumstances the appeal hearing will not hear all the evidence again as this appeal is not intended to repeat the detailed examination of the original interview or hearing.
- 30.5 For appeals against *formal warnings* (1, 2 & 3), the appeal hearing should be chaired by an appropriate senior manager, plus a Human Resources representative. The manager should be independent i.e. not have been previously involved, directly or indirectly with the case. At the appeal the decision will be reviewed. After consideration of all the facts (usually following an adjournment to consider the appeal carefully), the manager will reach a decision. The member of staff will be informed of the result of the appeal and the reasons for the decision as soon as possible (normally within 5 working days) and should be confirmed in writing. The decision is final.
- 30.6 Appeals against *dismissal* will be heard by at least a Director who is not in the line management chain and an appropriate member of Human Resources. At the appeal, the decision will be reviewed. After consideration of all the facts (usually following an adjournment to consider the appeal carefully) the Director will reach a decision. The member of staff will be informed of the results of the appeal and the reasons for the decision as soon as possible (normally within 5 working days) and this should be confirmed in writing. The decision will be final. If the decision to dismiss is upheld, the dismissal date set at the Stage 3 hearing will stand unless the Appeal hearing decides otherwise. In the event that the Stage 3 decision is revoked at the Appeal hearing, reinstatement or re-engagement with continuous service will apply.

31. APPEAL TO CIVIL SERVICE APPEAL BOARD (CSAB)

- 31.1 This section is in relation to the Civil Service Appeal Board and has been subject to change. Please refer to Office Notice 29/2011 21 July 2011.

The CSAB no longer handle dismissal appeals. However some provisions are made for individuals who wish to bring appeals to the CSAB in areas of forfeiture of superannuation benefits and the non-payment of part-payment of compensation under the Civil Service Compensation Scheme to those dismissed on inefficiency grounds due to unsatisfactory attendance or poor performance.

If you wish to take any further action if you are dismissed you can make an application to an Employment Tribunal.

Any enquiries in relation to the above in the context of eligibility and submitting appeals should be sent to the Secretary of the Board: keith.wright@cabinet-office.x.gsi.gov.uk or telephone: 0207 276 3832.

32. STATUTORY RIGHT OF APPEAL AGAINST UNFAIR DISMISSAL

- 32.1 British Library staff may also have a statutory right under the provisions of the Employment Rights Act 1996 to appeal against unfair dismissal to an employment tribunal.

33. ILL-HEALTH RETIREMENT

- 33.1 Applications for ill-health retirement may be made by the individual or the Library and may be submitted only through Human Resources (see Who's Who on the Intranet or on staff notice boards), following a referral to the Library's Occupational Health Advisers. Human Resources will then be responsible for all referrals to the Library's Occupational Health Advisers. If a member of staff believes that they should have been referred and this has not happened, he or she may invoke the Library's grievance procedure.
- 33.2 Decisions on eligibility for ill-health retirement under the Civil Service Pension Schemes operated by the Library are made by the Scheme's administrators. Ill-health Retirement applications are made through the medical advisers of the pension scheme via Human Resources. For details on the Civil Service Pension Scheme's rules and processes please visit their website at www.civilservicepensionscheme.org.uk.
- 33.3 If ill-health retirement is approved, this will take effect after 9 weeks' notice has been given to the member of staff by Human Resources, unless the member of staff agrees to a shorter period of notice.
- 33.4 If ill-health retirement is not approved, there is a right of appeal. Full details of the right to appeal will accompany the notification and information is also available at www.civilservicepensionscheme.org.uk.

34. THE APPLICATION OF THE POLICY TO TRADE UNION REPRESENTATIVES

- 34.1 Should any formal action regarding attendance against a Trade Union Representative be considered, then before any action is taken the appropriate regional/Headquarters union official should be notified by Human Resources.

35. EQUAL OPPORTUNITIES MONITORING

- 35.1. Human Resources will compile the personal details such as the race, gender, age and disabled status of all staff receiving a formal warning, other penalties, or who are dismissed by the Library. This information will be kept confidentially by Human Resources and will be used for no other purpose than to enable the Library to fulfil its obligations for monitoring and ensuring Equal Opportunities. (See also the [Diversity Policy](#)).

36. RESPONSIBILITY

- 36.1 All members of staff referred to within the scope of this policy are required to adhere to its terms and conditions.
- 36.2 All line managers are responsible for ensuring that this policy is applied within their own area. Any queries on the application or interpretation of this policy must be discussed with Human Resources prior to any action being taken. Please refer to [Managing Attendance Guidance section 2](#) for further information on roles and responsibilities.

36.3 Human Resources has the responsibility for ensuring the maintenance, regular review and updating of this policy. Proposed changes to the policy will follow the process as described in [Section A: Introduction: paragraph 1.1](#) of the Staff Handbook.

Appendix 1

Appendix I - The Role of the Companion at a hearing

N.B: This does not apply to Trade Union Representatives

This document is to help you if you have been asked to act as a companion at a formal hearing. It sets out what you may and may not do and what your overall role is. If you have any more questions please contact Human Resources.

- **What is the role of companion?**

Your main role is to support your colleague whom you are accompanying at the hearing. You may not normally answer questions put directly to your colleague. You may request an adjournment for a reasonable period to confer with your colleague. You may also ask to address the hearing if you so wish. You should think of yourself as being there as a 'friend' and witness to support your colleague.

- **Do I have to have legal knowledge and expertise?**

No. You do not have to know the law but you should be familiar with the facts of the particular case. You should get together with your colleague before the hearing to discuss the issues being considered at the hearing so that you are fully informed. If you want any additional information before the hearing please contact Human Resources.

- **Will I get paid for the time off?**

Yes. Companions can attend the relevant hearing without loss of pay. You will also be given the time not only to attend the hearing, but also reasonable time to familiarise yourself with the case and to confer with your colleague before, during and after the hearing. If you choose to accept the request to act as a companion you are entitled to ask for a reasonable amount of paid time off in order to complete these duties. Please refer to Human Resources if you have any queries.

- **Do I have a duty to accept a request to act as a companion?**

No. There is no compulsion on an individual to accept the role of companion. However, it is an important and helpful role and if you do choose to carry out the role then you will not be in any way disadvantaged by the Library. However you are not obliged to agree to accompany a colleague at one of these hearings. No pressure should be placed on you to attend and you do not have to give a reason for your decision not to attend.