

Chapter 15: Absence for Medical Reasons, Sick Pay, Return to Work and Management of Unsatisfactory Attendance

1. About this Chapter

1.1 This chapter explains:

- the policy of the House of Commons Service on attendance and sickness absence
- what you need to do if you are off work due to ill health
- how sickness absence affects your pay and pension
- your entitlement to annual leave during sickness absence
- your return to work and rehabilitation
- the managing unsatisfactory attendance procedures
- what to expect if your attendance is unsatisfactory

2. Introduction

2.1 Managers in the House will work with the Parliamentary Health and Wellbeing Service (PHWS), and the Safety team, to create a safe and healthy working environment, and to minimise unnecessary absences from work, while supporting those staff who are ill.

2.2 The policy on attendance and sick absence should be seen in the wider context of policies on health, safety and welfare, such as issues relating to working time, stress, smoking and alcohol. Such policies cover not only illness, but also health and safety, injuries at work, risk assessments (to anticipate possible problems), reporting accidents and the taking of remedial action. See [chapter 5](#) for more information on safety, health and wellbeing.

2.3 There are five main elements to the management of attendance procedures:

- reporting absence from work
- monitoring
- action on return to work including rehabilitation
- action in cases of unsatisfactory attendance
- referral to the PHWS

2.4 You are entitled to sickness absence if:

- you are ill and unable to attend work
- you are ill, and your illness could endanger the health or wellbeing of other people
- you have been exposed to a potentially contagious illness and PHWS has recommended that you should stay away from work

2.5 The final two bullet points are particularly important to staff who work in Catering. You should follow the guidelines issued during your safety training.

2.6 You should not claim sickness absence if you have to take time off work for urgent family reasons, such as the illness of a child or elderly dependant. Instead you should apply for caring leave from your Line Manager. Some caring leave attracts pay (see [chapter 13](#)).

2.7 If you do not follow the procedure for reporting your absence, or you do not supply the appropriate self-certificate or fit note to fully cover your absence, your absence (or part of it) may be treated as unauthorised and your Line Manager, with advice from HR, may begin disciplinary action.

Monitoring

2.8 Sickness absences are recorded on the HAIS database.

2.9 All managers are responsible for promoting a safe and healthy working environment and preventing injury and ill health among their staff, so far as it is within their power to do so.

2.10 Anonymised information will be shared with the Health and Safety Committee as requested, and with the Trade Unions.

[3. Reporting Sickness Absence](#)

3.1 If you cannot attend work you should telephone your Line Manager or an alternative designated member of your team. If you leave a message, your Line Manager may need to call you back to confirm certain details relating to your absence. Only in exceptional circumstances should someone call on your behalf, for example, if you are too ill to call or are in hospital.

3.2 When you telephone, explain what is wrong and when you expect to return to work. You do not have to disclose the precise nature of your illness at this stage if you wish to keep it confidential. If you are off work for more than two days, you should keep your Line Manager informed of when you expect to return. You should also agree when you will next contact them.

3.3 If your absence is due to an accident at work, an accident report form must be completed. In your absence please ask your Line Manager to do this on your behalf. The accident report form is on the Intranet at:

[Accident report form](#)

3.4 It is your responsibility to make sure that you know the procedures that apply in your team and who to call if you are absent from work. Your Line Manager will explain this to you during your induction and, thereafter, you will be advised of any changes to procedures.

3.5 If you are unsure about any aspect of notification, please ask your Line Manager for advice.

3.6 If you are a home worker or working from home on a particular day and are unable to work due to sickness, you should report your absence and follow the procedures in the same way as if you were in the office.

3.7 If you are working compressed hours and are absent due to illness on a working day, the absence will be recorded as sick leave. If you are sick on a non-working day, the absence will not be recorded unless you are sick both sides of a day(s) you would not normally have worked, in which case your non-working days will be included in the calculation. However, all calendar days in a period of long-term absence will be recorded as sickness absence.

Examples:

- If you are sick on a Friday which is your normal working day and return to work on a Tuesday which is your next working day, only the Friday will be counted as sick absence.
- If you are sick on a Friday which is your normal working day and your next working day will be the following Tuesday and you are sick on that day also, then Friday, Saturday, Sunday, Monday and Tuesday will be counted as sick absence. Even though Monday is a non-working day for you, it is counted as sick absence because you are sick on both sides of that day.

Self-certificates and fit notes

3.8 You must produce a self-certificate, fit note or record on HAIS Web any sickness absence of one day or more. A User Guide for recording your absence on HAIS is available on the Intranet at:

[HAIS User Guide](#)

3.9 If you are absent owing to sickness for half of the working day or more but have come in to work for some of the time, the team may record this, but it will not count as a sickness absence. If you are absent for one calendar week or less (seven calendar days or less), you will need to produce a self-certificate, fit note or record it on HAIS. You must give your self-certificate to your Line Manager, who will pass it to the Employee Pay and Pension Services (EPPS) in Corporate Services for monitoring purposes. If you do not wish to disclose the cause of your absence to your Line Manager, you should add the absence reason to the self-certificate after your Manager has signed the form and place it in a sealed envelope. You should then send your self-certificate in a sealed envelope directly on to EPPS. A self-certificate is on the Intranet at:

[Self Certificate](#)

3.10 If you record your absence on HAIS then the system will automatically notify your Line Manager who will confirm your absence. When recording your absence on HAIS, should you wish not to disclose the cause of your absence to the person approving it you may select 'Unknown' as the sickness absence reason.

3.11 If you are ill for more than a calendar week (more than seven calendar days, including weekends and rest days if appropriate), you must obtain a fit note from your GP. If you are still absent from work after one calendar week you should send in your certificate and/or fit note to your Line Manager, or designated manager, as soon as possible (the certificate and/or fit note must cover the whole period of sick absence).

3.12 If your illness is pregnancy related, make sure this is noted on the certificate or fit note.

Sickness during annual leave and recesses

3.13 The above procedures also apply during recesses. You must still contact your Line Manager to report that you are sick, and to let them know when you are fit again. This is to enable the House to keep a proper record of statutory sick pay. You should submit a self-certificate or fit note as soon as you can. If you are in a place where telephoning is not practicable, you should notify your Line Manager of your illness as soon as you can.

3.14 Staff who fall ill while on annual leave and who wish the period of their illness to be treated as sick leave will have their annual leave adjusted to take account of their sickness absence, provided it is covered by a self-certificate or fit note.

Health appointments

3.15 If you have to make a health appointment, such as doctor, dentist, hospital, or antenatal appointment, these should normally be made outside working hours. If this is not possible you should try and make them for the beginning or end of the working day and tell your Line Manager beforehand. They may ask to see an appointment card or letter. You do not have to disclose what the appointment is for. Such appointments will not be regarded as sickness absence for monitoring purposes, nor will you be asked to make up the time for these appointments.

4. Pregnancy Related Illness

4.1 If, while you are pregnant or are a new mother, you find that your health is suffering or being adversely affected by your work, you may contact the PHWS or ask to be referred by your Line Manager. You must also follow the advice in [chapter 5](#) relating to risk assessments.

4.2 If you are absent with a pregnancy related illness within the four weeks prior to your expected week of childbirth (EWC), your maternity leave will begin on the day after any day on which you are absent for a pregnancy related illness. Please see [chapter 14](#) for more information on maternity leave.

4.3 Absences for pregnancy related illness will be recorded to aid monitoring, but no member of staff will suffer a detriment as a result of a pregnancy related illness. It will not be taken into account when calculating the point at which pay would normally need to be reduced, or for possible action under the managing attendance procedures.

4.4 However, where attendance is giving the Line Manager cause for concern and the cause is pregnancy related illness, staff should be referred in the usual way to the PHWS for advice: after a total of 10 working days taken as sick absence in the last 12 months or five periods of sick absence in the last 12 months. Managers should provide help and assistance, but no warnings should be issued. Managers are advised to seek advice from the HR Advisory Service in these cases.

5. Long-term Sickness Absences

5.1 Managers are responsible for keeping in touch with staff who are off work due to sickness. In general, they should make contact at least every two weeks with staff on long-term sickness absence. This does not apply for any periods you are on annual leave while on long-term sickness

absence. If you do not want to disclose the nature of your illness or its progress to your Line Manager, you can communicate this information to your HR Adviser or OHM in confidence.

5.2 In difficult or sensitive cases the PHWS may be asked to make the first contact with you and to advise on future contacts.

5.3 The circumstances of each case of long-term absence will differ and will be managed appropriately within the policy framework:

[Long-term Sickness Absence Policy and Procedure](#)

Annual leave entitlements when absent from work

5.4 You continue to be entitled to take accrued annual leave while you are on long-term sickness absence. More information is in [chapter 12](#).

6. Returning to Work

Return to work interviews

6.1 On your return to work following any sickness absence you should contact your Line Manager, or other designated manager, to let them know of your return. They will speak to you about your absence in a return to work interview. If you have not done so already, you must produce your self-certificate, fit note(s) or record your absence on HAIS Web. Your Line Manager will then forward any certificate or fit note(s) to EPPS. If you do not wish to disclose the cause of your absence to the person interviewing you, you may add the absence reason to your self-certificate after your Manager has signed it and place in a sealed envelope. You should then send your self-certificate/fit note(s) directly on to EPPS. EPPS will update your record accordingly upon receiving your self-certificate/fit note(s).

If you record your absence on HAIS Web then your Line Manager will confirm your absence on the system, which will automatically update EPPS records. When recording your absence on HAIS should you wish not to disclose the cause of your absence to the person approving it you may select 'Unknown' as the sickness absence reason.

6.2 The return to work interview will normally be an informal and friendly chat. Its purpose is to:

- show that your absence has been noted
- make sure a certificate or fit note for your absence is sent to EPPS, or that your absence has been correctly recorded on HAIS Web.
- allow your Line Manager to satisfy themselves that you have recovered
- allow you to discuss any reasons other than sickness that may have contributed to your absence. The other reasons may include personal or domestic problems, adverse working conditions or harassment, discrimination or bullying by others.
- allow you and your Line Manager to consider whether any action is needed, such as changes to working conditions
- bring you up to date on developments during your absence.

6.3 It is not normally necessary to take a note of the return to work interview if the absence was brief. Your Line Manager should sign your self-certification form to confirm that they are satisfied with the explanation you have provided for your absence from work on the dates specified and that they authorise your absence to be treated as sickness absence. They will also be assessing, to the best of their knowledge, that you are fit to return to work and that they have updated you on work developments. If you have sealed your self-certificate or fit note in an envelope, your Line Manager should attach written confirmation of that fact before sending it to EPPS.

6.4 If a return to work interview form is completed you are entitled to a copy if you want one. Your Line Manager must keep the completed form securely as it is likely to contain information about your health. The template return to work interview form is on the Intranet at:

[Template return to work interview form](#)

6.5 In certain circumstances your Line Manager may decide that the return to work interview shall be more formal. You and your Line Manager may agree a course of action which will be recorded. A copy of the action plan will be given to you. If your Line Manager is concerned about your health or about your absence, they may ask for further advice from the PHWS.

6.6 If your Line Manager is absent for any reason, another manager may hold the return to work interview and may carry out other duties associated with managing absence. If no appropriate manager is available then an HR representative may undertake these duties.

Formal rehabilitation measures

6.7 The aim of formal rehabilitation measures is to help you gradually return to work. As part of a rehabilitation programme rehabilitation absence will be considered by management if for example:

- you have a disability
- you are recovering from a serious illness or operation
- it is appropriate in order to prevent a diagnosed condition becoming worse

6.8 Any rehabilitation programme will be agreed between yourself, PHWS and your Line Manager, in consultation with HR, before confirming arrangements. All of these parties will be involved in the implementation and review of the programme. It will be set out in writing and the written agreement will cover the specific length and scope of the programme and the status of any absences from work. Rehabilitation programmes will not normally be authorised for longer 91 calendar days in total.

6.9 Rehabilitation absences will be paid and will cover the following when they are part of a rehabilitation programme, designed to help you return to a normal working pattern:

- working fewer hours or a shortened working week (effectively part-time working or job sharing), and/or
- taking time off during the working day, for example for rest breaks or physiotherapy

6.10 You may also benefit from altered duties while your job is adapted.

6.11 Rehabilitation absences will be paid when they are part of a formal rehabilitation programme.

7. Staff with a Disability

7.1 The House of Commons Service will support members of staff with disabilities and help them to remain in work so far as it is practicable to do so. Under the Equality Act 2010, a person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out day-to-day activities. By long-term the Act means that the condition has lasted, or is expected to last, more than a year or for the rest of the person's life. PHWS can advise further on whether particular conditions are likely to amount to disabilities within the meaning of the Act.

7.2 Line Managers should still employ the procedures for managing attendance problems in order to improve the attendance of staff with a disability, particularly if absence reaches the point where it places a serious burden upon colleagues or results in a serious reduction in service levels. However, Line Managers must seek advice from the Diversity and Inclusion team before considering action under the managing attendance procedures against a member of staff who has a disability.

7.3 Line Managers may also consider, together with the member of staff concerned and HR, and with specialist advice as necessary, whether reasonable adjustments to the job would alleviate the effects of the disability. Possible adjustments might include changes to duties or hours of work, or some home-working. The tailored adjustment pro forma is on the Intranet at:

[Tailored adjustment pro forma](#)

8. Action in Cases of Unsatisfactory Attendance

8.1 If your attendance gives cause for concern your Line Manager will normally discuss with you what can be done to improve the situation before considering further action. Absence for medical or antenatal appointments will not be taken into account when absence levels are assessed.

8.2 As a rough guide, Line Managers should review your pattern of sick absence and consider whether management action, including referral to the PHWS, is necessary if you have had:

- a total of 10 working days taken as sick absence in the last 12 months, or
- five periods of sick absence in the last 12 months, whether self-certificated or covered by a fit note

8.3 The point at which part-time staff should be considered for referral to the PHWS or for other management action should be applied on a pro rata basis.

8.4 It is possible that no action will be needed if, for example, your Line Manager is aware that the reason for the absence is a single bout of illness, an operation or a minor accident, and long-term consequences are unlikely.

8.5 However, if following a discussion with you to establish the reasons for your absences, your Line Manager remains concerned about your absence levels, they can consider the following options:

- suggesting you contact the Employee Assistance Programme (EAP)
- referral to the PHWS if medical advice is needed or there appears to be a health and wellbeing problem affecting your attendance
- management action, for example, to change working conditions
- instigation of the managing unsatisfactory attendance procedures

Referrals to PHWS

8.6 Your Line Manager may refer you to the PHWS for advice on how to support you at work, if for instance they become aware that your health or attendance seems to have deteriorated. Managers should not wait for reminders from HR.

8.7 Line Managers must refer you to the PHWS if they become aware or receive a fit note or medical evidence that indicates that you:

- are suffering from stress, depression or fatigue
- have a work-related injury or condition
- have been off work for four consecutive calendar weeks or more
- are in hospital

8.8 To refer you to the PHWS your Line Manager must complete the referral form which is on the Intranet at:

[Health and Wellbeing Service Referrals](#)

8.9 You need to provide written consent for a management referral.

8.10 Work-related injuries or conditions must also be reported to the Health and Safety Coordinator. See [chapter 5](#) for further guidance.

8.11 Access to help and support is available from the Employee Assistance Programme provided by Health Assured. You can speak to a trained counsellor via their 24/7 365 day per year confidential helpline. They may also refer you to telephone, face-to-face or on-line counselling; or their advisory team can offer guidance on a range of practical issues that could be affecting your health and wellbeing. Note: This is a confidential service. No feedback will be given to Line Managers.

8.12 Under the Access to Medical Reports Act 1988, you have the right to see reports provided to the PHWS, for example, by doctors and specialists and by the PHWS to management.

Reductions in pay

8.13 Staff who have had lengthy absences will have their pay reduced as follows:

Absence level	Action needed
A total of 91 calendar days' absence in one year	Allowances for additional duties to be withdrawn
A total of 182 calendar days' absence in one year	Pay to be reduced to half rate
A total of 365 calendar days' absence in four years	Pay to be reduced to sick pay at pension rate (that is what you would have received from your pension if you had retired at this point on ill health grounds)

8.14 EPPS will inform staff when these points are reached. This calculation is done automatically by the HAIS system. It is, therefore, imperative that you provide self-certificates or fit notes as required without delay to avoid premature reduction of your pay.

8.15 Pay may be withheld for unauthorised absences of whatever length after a disciplinary hearing if a charge of unauthorised absence is upheld (see paragraph 2.7).

8.16 See [chapter 5](#) for more information about pay and about claiming for loss of earnings as the result of an accident/incident sustained outside work.

8.17 For full-time staff working a standard working week (Monday to Friday) the following applies:

- When calculating the period of absence, weekends which fall between days of absence will be counted. For example, if someone is off sick on a Friday and a Monday then the weekend will be counted as absence. On the other hand, weekends which fall immediately before or after a period of absence will not be counted. For example, if someone begins their sickness absence on a Monday or finishes it on a Friday.

8.18 For staff working non-standard working hours the same arrangements as noted in paragraph 8.17 will apply for standard non-working days, whenever they fall.

9. Managing Unsatisfactory Attendance

Overview

9.1 Any action taken using the following procedures should be with the aim of improving attendance. The actions are generally as listed below and should be read in conjunction with this section and sections 10 to 14:

Informal action:

- Identifying the problem and working towards improved attendance
 - this is an informal discussion with a note of the meeting but the note is not placed on your personal file
 - if sufficient improvement is shown after a reasonable time, then no further action is required.

First formal action:

- Giving formal written warning and first trial period if there has been no or insufficient improvement
 - includes the right to appeal.
 - a record is placed on your personal file
 - if sufficient improvement is shown after the trial period, then no further action is required.

Final formal action:

- Includes final warning and final trial period if there has still been no or insufficient improvement
 - includes the right to appeal
 - a record is placed on your personal file
 - if sufficient improvement is shown after the trial period, then no further action is required.

Final action including dismissal

- includes dismissal or other actions, for example, move to another post or to a lower pay band, if there has still been no or insufficient improvement
 - includes the right to appeal
 - a record is placed on your personal file

Appeal against any formal action including dismissal

- you have a right to an internal appeal against any formal action
- If you are dismissed, in addition to your right to an internal appeal against that decision, you may also be able to bring a claim before the Employment Tribunal regarding your dismissal.

9.2 In most cases it is expected that improved supervision, guidance, counselling, coaching or training at an early stage will be enough to correct problems, and only rarely will further action be needed. Line Managers will provide help and support before resorting to formal action as indicated below and will seek the advice of:

- the PHWS if you have indicated that your health or other related issues are affecting your attendance
- the Diversity and Inclusion team if you have a disability and have indicated that your absences are related to the disability
- the PHWS if you are pregnant

Right to be accompanied at formal meetings

9.3 Line Managers should note that members of staff have the right to be accompanied by a Trade Union Representative or fellow employee of the House of Commons during paid working hours for any interview or hearing which forms part of the formal procedures for managing attendance.

Role of the Trade Union Representative or fellow employee

9.4 If you wish a Trade Union Representative or fellow employee to attend a formal interview with you, they may:

- put your case
- sum up your case
- respond on your behalf to any view expressed at the hearing
- confer with you during the hearing

They may not:

- answer questions on your behalf
- address the hearing if you do not wish them to do so
- prevent your employer from explaining their case

Right of appeal

9.5 You have the right to appeal any formal actions taken to manage problems with your attendance. Any appeal will not delay any trial period starting but the trial period end depends on the outcome of the appeal.

Staff on probation

9.6 In order to complete the probation period satisfactorily you must demonstrate you are capable of meeting the requirements of the post to which you have been recruited. This includes demonstrating satisfactory attendance. If your attendance record during probation is unsatisfactory your appointment is unlikely to be confirmed.

9.7 Staff whose attendance gives cause for concern and who are still serving their probationary period will generally be taken through these procedures. Any measures taken should be completed before the end of the probation period. Trial periods may, therefore, be reduced or steps omitted from the process at the Line Manager's discretion, in consultation with HR, in order to take this into account.

9.8 If appropriate, your Line Manager will encourage you to seek help from your doctor or from the PHWS if you indicate that you have a health, personal or domestic problem.

9.9 Line Managers have discretion to consider an extension to the probation period in exceptional circumstances, but they will do so only where they have genuine reason to believe that your attendance is likely to improve, and you will achieve, and maintain, an acceptable standard during the extended probation period.

[10. Procedures Where Attendance is Giving Cause for Concern: Informal Action](#)

Identifying the problem and working towards improved attendance (informal action)

10.1 If your attendance is unsatisfactory, your Line Manager will meet with you to discuss their concerns.

10.2 Your Line Manager will talk with you and attempt to identify the cause, which may be wholly or partly related to ill health. You should normally discuss with your Line Manager if you feel there are health or other factors affecting your attendance. The other factors may include personal or domestic problems, adverse working conditions or harassment, discrimination or bullying by others. At this stage they may ask for comments from others, such as other Managers or customers. Line Managers will seek advice from the Diversity and Inclusion team where harassment, discrimination or bullying by others is alleged, if you have a disability or you are pregnant.

10.3 Your Line Manager will consider referring you for advice to the PHWS or Diversity and Inclusion team if for example:

- they have not already referred you for advice to the PHWS or the Diversity and Inclusion team
- they have already referred you for advice to the PHWS or the Diversity and Inclusion team but some time has elapsed since the original referral
- they believe that health or welfare problems may have contributed to your unsatisfactory attendance
- you believe that health or welfare problems may have contributed to your unsatisfactory attendance. You may also refer yourself.
- they believe that the unsatisfactory attendance may result from a medical condition which would make medical retirement appropriate
- you wish to apply for medical retirement
- your disability may be affecting your attendance
- you are pregnant

10.4 Your Line Manager will encourage and support you in working towards a solution. They will explain the level of attendance required and make clear the consequences of any failure to meet the standard.

10.5 Measures which may prove helpful include:

- ensuring that you understand what is required
- advice
- counselling or coaching
- extra training
- adjustments to your working pattern or working conditions
- changes to working conditions or working hours
- a move (temporary or permanent) to a different job at this point if it is believed that this would resolve the issue and restore satisfactory attendance levels, and if it is possible to arrange
- reasonable adjustments if you have a disability

10.6 You will be given a reasonable amount of time for improvement, and you will be kept informed of progress. As part of the informal discussion your Line Manager will ensure that they give you all of the information you need to understand their concerns, for example, the improvement required and the timescale for improvement.

10.7 It may be necessary for you to have more than one discussion to check that any measures have been put in place and are helping.

10.8 Your Line Manager will take a note of the meeting, agree the accuracy of the note with you and give you a copy. No record will be kept on your personal file at this stage but the meeting note will be included if formal action follows.

10.9 If sufficient improvement is shown after a reasonable amount of time, your Line Manager will confirm this with you and no further action will be taken.

10.10 If your attendance does not sufficiently improve after a reasonable amount of time, your Line Manager will take formal action as described below.

11. Procedures Where Attendance is Giving Cause for Concern: First Formal Action and Trial Period

First formal action and trial period

11.1 If informal action has been taken and your level of attendance does not improve sufficiently after a reasonable amount of time, more formal action will be taken.

11.2 Your Line Manager will invite you to an attendance review meeting and will give you at least seven calendar days' notice of the hearing. The meeting will normally be held after any report from the PHWS is made available, if applicable. The meeting is to:

- explain that your attendance is still not up to the standard required
- explain the standard required
- give you the opportunity to put forward an explanation for unsatisfactory attendance
- explain what will happen if you fail to meet the standard

11.3 If you are unable to attend a meeting at this stage, for instance if you continue to be absent from work due to ill health, your Line Manager will decide, in consultation with HR, on the appropriate action to take. This may include arranging an alternative date for the meeting or seeing you at a more convenient location closer to your home. However, if despite making alternative arrangements, you still do not attend a meeting, a decision on the outcome may be made in your absence. In this case you will be notified of any decision on the outcome.

11.4 You have a right to be accompanied by a Trade Union Representative or a colleague from the House of Commons Service at this meeting. See section 9 on their role at the meeting.

11.5 If you are unable to find a representative or if your representative is not available on the date of the hearing you can ask that the hearing be delayed (for not more than seven calendar days) so you can make further arrangements.

11.6 An HR representative acting in an advisory capacity will normally attend formal meetings. A note of the meeting will be taken by either the HR representative or another member of staff.

11.7 The formal meeting record will be placed on your personal file and a copy given to you.

11.8 At the meeting, your Line Manager will explain why your attendance is unsatisfactory, remind you of any current warnings and state what progress has been made and what improvement is still required. They should give you an opportunity to put forward your point of view and any explanations or reasons why a warning should not be issued. They should invite your views on possible remedial measures wherever possible.

11.9 Depending on the situation, your Line Manager may then adjourn the meeting to consider what has been said. If you have suggested that the problems may be due in part to health or welfare problems, or difficulties with working conditions, then they will consider how far these may have contributed to your unsatisfactory attendance. They will also consider whether any action should be taken, including:

- referral to the PHWS or Diversity and Inclusion team as described in paragraph 10.3
- any of the measures listed in paragraph 10.5
- seeking advice from other sources as appropriate, including Senior HR Managers

11.10 If you have a disability or are pregnant, your Line Manager must seek additional advice from the Diversity and Inclusion team.

11.11 After the meeting, and after obtaining advice if needed, your Line Manager may issue a first formal written warning. If a warning is issued, it will remain in force for six months.

11.12 Your Line Manager will give you written notification of their decision, within 14 calendar days of the date of the hearing, including if a warning is being issued, and it will explain the reasons for their decision. If a warning is issued, then the letter will also explain:

- details of the warning
- where your attendance is not up to standard
- what improvement is required
- the establishment of a trial period
- the timescale for improvement; normally, this will be no less than six calendar weeks
- the review date
- any additional help which will be given
- what will happen if you fail to meet the standard
- your right to appeal the decision

11.13 You have the right to appeal the decision made following the attendance review meeting, within seven calendar days of receipt of the decision. This includes the decision to issue a warning and/or to establish a trial period. See section 14 for further information about appeals.

Trial period

11.14 A trial period must always be set up under the first formal written warning procedure. Any supervision, guidance, counselling coaching and training to be given must be properly recorded.

11.15 This first formal trial period must be long enough to provide you with a reasonable opportunity for improvement and for any remedial measures to take effect. It will normally be six calendar weeks in length but it may be longer, for instance if you have a record of good service, if

you are a long serving member of staff or the problem is intermittent. If you are on probation the trial period may be shorter.

11.16 During the trial period, your Line Manager will:

- supervise and monitor your attendance
- keep you informed of your progress
- ensure any agreed measures are in place

Following the trial period

11.17 In most cases, the first formal action will bring satisfactory improvement. If so, your Line Manager will write to you, noting the progress made. The letter will make clear that the improvement must be sustained and that the formal warning will remain in force for six months.

11.18 If after six months the procedures for managing attendance problems are again necessary, final action including a final warning will not usually be taken without the first formal action being taken. However, expired formal actions may be taken into account as evidence of a pattern of unsatisfactory attendance. Expired formal actions may be considered in determining the length of any new trial period and whether it may be appropriate to issue a final warning immediately.

11.19 If your attendance does not sufficiently improve by the end of the first trial period, your Line Manager, in consultation with HR, may extend the first trial period. This would be in exceptional circumstances and your Line Manager must have a realistic expectation that your attendance will improve following the extension of the trial period. If it is decided to extend your trial period, you will be invited to a further formal meeting and your Line Manager will explain the reasons and details of the trial period extension.

11.20 If your attendance does not sufficiently improve by the end of the first trial period, your Line Manager will take further formal action as described below.

[12. Procedures Where Attendance is Giving Cause for Concern: Final Formal Action and Trial Period](#)

Final formal action and trial period

12.1 If your level of attendance does not improve sufficiently, more formal action will be taken.

12.2 Your Line Manager will invite you to an attendance review meeting and will give you at least seven calendar days' notice of the meeting. The meeting will normally be held after any report from the PHWS is made available, if applicable. The meeting is to:

- explain that your attendance is still not up to the standard required
- explain the standard required
- give you the opportunity to put forward an explanation for unsatisfactory attendance
- explain what will happen if you fail to meet the standard, including the possibility of dismissal

12.3 If you are unable to attend a meeting at this stage, for instance if you continue to be absent from work due to ill health, your Line Manager will decide, with HR, on the appropriate action to take. This may include arranging an alternative date for the meeting or seeing you at a more convenient location closer to your home. However, if despite making alternative arrangements, you still do not attend a meeting, a decision on the outcome may be made in your absence. In this case you would be notified of any decision on the outcome.

12.4 You have a right to be accompanied by a Trade Union Representative or a colleague from the House of Commons Service at this meeting. See section 9 on their role at the meeting.

12.5 If you are unable to find a representative or if your representative is not available on the date of the hearing you can ask that the hearing be delayed (for not more than seven calendar days) so you can make further arrangements.

12.6 An HR representative acting in an advisory capacity will normally attend formal meetings. A note of the meeting will be taken by either the HR representative or another member of staff.

12.7 The formal meeting record will be placed on your personal file and a copy given to you.

12.8 At the meeting your Line Manager will explain why your attendance is unsatisfactory, remind you of any current warnings, state what progress has been made and what improvement is still required. They should give you an opportunity to put forward your point of view and any explanations or reasons why a warning should not be issued. They should invite your views on possible remedial measures wherever possible.

12.9 Depending on the situation, your Line Manager may then adjourn the meeting to consider what has been said. If you have suggested that the problems may be due in part to health or welfare problems, or difficulties with working conditions, then they will consider how far these may have contributed to your unsatisfactory attendance. They will also consider whether any action should be taken, including:

- referral to the PHWS or Diversity and Inclusion team as described in paragraph 10.3
- any of the measures listed in paragraph 10.5
- seeking advice from other sources as appropriate, including senior HR managers

12.10 If you have a disability or are pregnant, your Line Manager must seek additional advice from the Diversity and Inclusion team.

12.11 After the meeting, and after obtaining advice if needed, your Line Manager may issue a final formal written warning. If a warning is issued, it will remain in force for 12 months.

12.12 Your Line Manager will give you written notification of their decision, within 14 calendar days of the date of the hearing, including if a warning is being issued, and it will explain the reasons for their decision. If a warning is being issued, then the letter will also explain:

- details of the warning
- where your attendance is not up to standard
- what improvement is required

- the establishment of a trial period
- the timescale for improvement; normally, this will be no less than eight calendar weeks
- the review date
- any additional help which will be given
- what will happen if you fail to meet the standard, including the possibility of dismissal
- your right to appeal the decision

12.13 You have the right to appeal the decision made following the attendance review meeting, within seven calendar days of receipt of the decision. This includes the issuing of a warning and/or the establishment of a trial period. See section 14 for further information about appeals.

Trial period

12.14 A trial period must always be set up under the final formal written warning procedure, and any supervision, guidance, counselling, coaching or training to be given should be properly recorded.

12.15 This final formal trial period must be long enough to provide you with a reasonable opportunity for improvement and for any remedial measures to take effect. It will normally be for no less than eight weeks, but it may be longer, for instance if you have a record of good service, if you are a long serving member of staff or the problem is intermittent. If you are on probation the trial period may be shorter.

12.16 During the trial period, your Line Manager will:

- supervise and monitor your attendance
- keep you informed of your progress
- ensure any agreed measures are in place

Following the trial period

12.17 In most cases, the final formal action will bring satisfactory improvement. If so your Line Manager will write to you, noting the progress made. The letter will make clear that the improvement must be sustained and that the formal warning will remain in force for 12 months.

12.18 If after 12 months, the procedures for managing attendance problems are again necessary, final action including a final warning will not usually be taken without the first formal action being taken. However, expired formal actions may be taken into account as evidence of a pattern of unsatisfactory attendance. Expired formal actions may be considered in determining the length of any new trial period and whether it may be appropriate to issue a final warning immediately.

12.19 If your attendance does not sufficiently improve by the end of the final trial period, your Line Manager will take further formal action as described below.

[13. Procedures Where Attendance is Giving Cause for Concern: Final Action including Dismissal](#)

Final action including dismissal

13.1 If your level of attendance does not improve sufficiently following the trial period, you will be invited to a meeting at which further action, including dismissal, will be considered.

13.2 Consideration of and the decision to dismiss will not be taken by anyone below the level of a band B1 Manager. If your Line Manager is below this pay band, the decision will be passed up the appropriate line management chain.

13.3 Your Line Manager (or the appropriate manager) will invite you to a meeting at which further action, including dismissal, will be considered, and will give you at least seven calendar days' notice of the hearing. The letter will explain that following the meeting you may be dismissed. The meeting is to give you the opportunity to put forward:

- an explanation for unsatisfactory attendance and/or any extenuating circumstances
- a case why action, including dismissal, should not be taken

13.4 If you are unable to attend a meeting at this stage, for instance if you continue to be absent from work due to ill health, your Line Manager (or the appropriate manager) will decide, in consultation with HR, on the appropriate action to take. This may include arranging an alternative date for the meeting or seeing you at a more convenient location closer to your home. However, if despite making alternative arrangements, you still do not attend a meeting, a decision on the outcome may be made in your absence. In this case you would be notified of any decision on the outcome.

13.5 You have a right to be accompanied by a Trade Union Representative or a colleague from the House of Commons Service at this meeting. See section 9 on their role at the meeting.

13.6 If you are unable to find a representative or if your representative is not available on the date of the hearing you can ask that the hearing be delayed (for not more than seven calendar days) so you can make further arrangements.

13.7 An HR representative acting in an advisory capacity will normally attend formal meetings. A note of the meeting will be taken by either the HR representative or another member of staff.

13.8 The formal meeting record will be placed on your personal file and a copy given to you.

13.9 At the meeting your Line Manager (or the appropriate manager) will explain why your attendance is still unsatisfactory. They should give you an opportunity to put forward your point of view and any explanations or reasons why action, including dismissal for unsatisfactory attendance, should not be taken.

13.10 Depending on the situation, your Line Manager (or the appropriate manager) may then adjourn the meeting to consider what has been said.

13.11 After the meeting and after obtaining advice if needed, your Line Manager (or the appropriate manager), in consultation with HR, will decide what action to take, including:

- a change of work pattern
- a move to a lower pay band

- a transfer to another post
- for Fast Stream staff a transfer to the main stream may be appropriate
- dismissal

13.12 In deciding on any future action, your Line Manager (or the appropriate manager) will bear in mind the likelihood of useful service in the future and any previous record of service.

13.13 Your Line Manager (or the appropriate manager) will give you written notification of their decision, within 14 calendar days of the date of the hearing, including the reasons for that decision, the date on which your employment will terminate if you are dismissed and your right to appeal.

13.14 You have the right to appeal the decision made following the final action meeting, within seven calendar days of receipt of the decision. See section 14 for further information about appeals.

13.15 If you are dismissed under the procedures for unsatisfactory attendance, you will receive any final salary and payment for accrued outstanding leave due (see [chapter 26](#)).

14. Appeals

Internal Appeal

14.1 Grounds for appeal include:

- the formal action was inappropriate, inconsistent or too harsh
- extenuating circumstances were not taken into account
- the likelihood of useful service in the future and any previous record of service were not taken into account
- the decision maker was biased
- the hearing was not fair
- the proper procedures were not followed
- new evidence has come to light

14.2 An appeal against formal action taken at any stage of the procedures must be made in writing to the decision maker's manager within seven calendar days of the receipt of written notification of the decision. This appeal will normally be heard within 14 calendar days unless both parties agree otherwise.

14.3 The appeal will be heard by the decision maker's manager. In the alternative, they may nominate another manager to hear the appeal who has not been involved in the events which led to the sanction or dismissal. Prior to the meeting, the Manager hearing the appeal will review all relevant documentation and the reasons for the sanction or dismissal.

14.4 The manager hearing the appeal will:

- inform you in writing of the arrangements for the appeal hearing
- review all the relevant documentation and the reasons for the decision

- explore all the relevant issues
- let you know when you can expect a decision

14.5 You have a right to be accompanied by a Trade Union Representative or a colleague from the House of Commons Service at this meeting. See section 9 on their role at the meeting.

14.6 If you are unable to find a representative or if your representative is not available on the date of the hearing you can ask that the hearing be delayed (for not more than seven calendar days) so you can make further arrangements.

14.7 An HR representative acting in an advisory capacity will normally attend formal meetings. A note of the meeting will be taken by either the HR representative or another member of staff.

14.8 The formal meeting record will be placed on your personal file and a copy given to you.

14.9 Following the appeal meeting, and after obtaining advice if needed, the manager in consultation with HR, will decide what action to take, including:

- to confirm the original decision
- to rescind the original decision
- to rescind the original decision and either substitute a different sanction or refer the issue back to the manager who took the original action for reconsideration
- in cases of dismissal where that decision is not upheld, reinstate the employee and substitute a formal or final warning or no sanction at all

14.10 The manager who heard the appeal will give you written notification of their decision and the reasons for that decision within 14 calendar days of the date of the hearing.

External appeal

14.11 You also have the right to submit a claim of unfair dismissal to the Employment Tribunal (ET) if you have completed the relevant qualifying period. If you joined the House of Commons Service before 6 April 2012, you must have been employed for at least one year. If you joined after 6 April 2012, you must have been employed for at least two years. If you wish to appeal to the ET, you must do so within 90 days of the effective date of the dismissal.

14.12 You also have the right to appeal against dismissal to an employment tribunal if you have been employed by the House for one year or more prior to 6 April 2012 or two years if you are employed from 6 April 2012.

14.13 You may obtain further information from ACAS on their ET public enquiry line (08457 959 775) or on their website: www.acas.org.uk

15. Record Keeping

15.1 Details of unsatisfactory attendance cases resulting in a first written warning and/or final written warning will be kept on your personal file for six years after the warnings expire.

15.2 Unsatisfactory attendance cases resulting in loss of pay, movement to a lower pay band, suspension or dismissal will be kept on your personal file until your 100th birthday for pension administration purposes.

15.3 Corporate Services will keep a record of all formal action taken under the procedures for managing attendance problems, for future reference. This is to ensure that action taken is fair and consistent.

[Return to the Staff Handbook.](#)