



Ministry  
of Defence

**Defence Business Services Secretariat**  
Room 6303  
Tomlinson House  
Norcross  
Thornton-Cleveleys  
FY5 3WP

Email: [DBSRES-Secretariat@mod.uk](mailto:DBSRES-Secretariat@mod.uk)

Ref: FOI2021/12809

November 2021

Dear

Thank you for your email of 23 October 2021 to the Ministry of Defence (MOD) requesting the following information:

*“From the Department’s Occupational Health Advice Procedure, I request a copy of the Model Letter: Inform Employee About Occupational Health Referral*

*In addition, I request a copy of the following:*

*Managing Unsatisfactory Attendance Procedure*

*Managing Unsatisfactory Attendance Policy*

*MUA Letter 01: Managing Unsatisfactory Attendance - Invitation to a Formal*

*Managing Unsatisfactory Attendance Meeting*

*MUA Letter 02: Outcome of a Formal Managing Poor Attendance Meeting – First or Final Written Improvement Warning Given*

*MUA Letter 05: Invitation to a Formal Managing Poor Attendance Meeting Following First/Final Written Improvement Warning - Attendance is Unsatisfactory*

*MUA Letter 06: Managing Poor Attendance - Invitation to Final Decision Meeting*

*MUA Letter 08: Managing Poor Attendance – Decision to Dismiss”*

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA).

A search for the information has now been completed within the Ministry of Defence and I can confirm that all the information in scope of your request is held.

In answer to your request please find the enclosed the following documents:

Annex A	Model Letter: Inform Employee About Occupational Health Referral
Annex B	Supporting Attendance Procedure
Annex C	MUA Letter 01: Managing Unsatisfactory Attendance - Invitation to a Formal Managing Unsatisfactory Attendance Meeting
Annex D	MUA Letter 02: Outcome of a Formal Managing Poor Attendance Meeting – First or Final Written Improvement Warning Given
Annex E	MUA Letter 05: Invitation to a Formal Managing Poor Attendance Meeting Following First/Final Written Improvement Warning - Attendance is Unsatisfactory
Annex F	MUA Letter 06: Managing Poor Attendance - Invitation to Final Decision Meeting
Annex G	MUA Letter 08: Managing Poor Attendance – Decision to Dismiss

Under Section 16 of the FOIA (Advice and Assistance) you may wish to be aware that the MUA process letters provided are no longer in use. New Policy & Process letters for supporting attendance are now available. Please let me know if you would like copies of the new supporting attendance letters and I will be happy to process your request separately under the FOIA.

If you have any queries regarding the content of this letter, please contact this office in the first instance.

If you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail [CIO-FOI-IR@mod.gov.uk](mailto:CIO-FOI-IR@mod.gov.uk)). Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely,

Defence Business Services (Secretariat)

## Model Letter: Inform Employee About Occupational Health Referral

OFFICIAL SENSITIVE – PERSONAL (when completed)

OH Model Letter 01



Ministry  
of Defence

Addressee's Name  
1<sup>st</sup> Line of Address  
2<sup>nd</sup> Line of Address  
Town/City  
Postcode

First Name and Surname  
Job Title  
1st Line of Address  
2nd Line of Address  
Town/City  
Postcode

**Tel:** 0000 00000 (Mil)  
00000 000000 (Std)

**Email:**

**Date:**

### OCCUPATIONAL HEALTH REFERRAL

Dear *(Insert employee's name here)*

I am writing to ask your permission to seek occupational health advice on your behalf. This advice will be provided by the MOD's commercial partner, Optima Health. I am making the referral because *(DELETE AS APPROPRIATE, AND GIVE FURTHER DETAIL IF POSSIBLE)*

- I am concerned that your health is affecting your work performance/attendance.
- You have a medical certificate with a diagnosis of a psychologically related / musculoskeletal condition, with no clear return to work date
- you are on sickness absence with no clear return to work date.
- I am concerned about your irregular attendance / frequent, short-term sickness absences, and I want to identify and address any underlying health issues.
- you need a health surveillance assessment or medical to comply with MOD policies or Health and Safety legislation
- we need to arrange **Reasonable Adjustments** for you
- your health is affecting your attendance / performance and we are undertaking Managing Unsatisfactory Attendance / Managing Poor Performance processes
- I am seeking early indications as to whether ill-health retirement could be appropriate for you
- I am preparing a "Fit for Work" Plan for you under Managing Unsatisfactory Attendance processes
- *(MOD POLICE OFFICERS ONLY)* you have failed to meet the annual medical/designated fitness standard outlined in your terms and conditions

OFFICIAL SENSITIVE – PERSONAL *(when completed)*

*(DELETE THE FOLLOWING PARAGRAPH IF THE REFERRAL IS FOR HEALTH SURVEILLANCE OR A MEDICAL ASSESSMENT)* Once I've made the referral, Optima Health will contact you to arrange a consultation, which is likely to be conducted over the phone. This is quicker and makes better use of work time, and with most conditions a face to face consultation would not provide any more relevant information to the Occupational Health practitioner. Face to face consultations are usually required for only the most complex cases or where it is felt a phone consultation would not be appropriate, or where mandated by Health and Safety legislation. The consultation will not diagnose conditions or provide treatment – this remains the responsibility of your GP or specialist. The aim of the consultation is to provide me with occupational health advice tailored to your specific condition to enable me to support you to perform in your post / comply with health and safety legislation *(DELETE AS APPROPRIATE)*.

You should expect the following:

- If appropriate, Optima Health may ask you for permission to seek medical information from your GP or specialist. This data will not be available to either DBS or myself.
- The referral and any subsequent consultations will be during normal daytime working hours and are an official duty. You may need to talk to an Occupational Health Practitioner (OH Practitioner) on the phone (which could be at home), give your consent to the OH Practitioner seeking advice from your GP or Specialist, or attend a consultation at a medical centre at a convenient location for you, or at home if travelling is difficult. Travel or subsistence will be paid by MOD.
- You must attend appointments unless any medical conditions prevent you doing so - if so you must give me least 48 hours' notice. I may take misconduct action if you fail to attend a consultation without informing me or Optima Health.
- The OH Practitioner or physician will tell you what advice they'll be giving me and will give you a copy of this advice. The advice won't contain any detailed medical information. If you disagree with the content, this will be noted in the report.

Throughout the process, please bear in mind that it is in your interest to cooperate with the OH Practitioner, as otherwise I will have to make a decision without the benefit of professional occupational health advice.

If you wish to withhold your consent to a referral to an Occupational Health Practitioner, please tell me immediately.

You can also seek emotional support from the **Employee Services** or seek a report from a Wellbeing Consultant detailing your personal circumstances for the OH Practitioner to consider. It is your responsibility to request this and to pass it (or ask the Wellbeing Consultant to pass it on your behalf) to Optima Health as soon as possible.

Finally, if you wish you may request details of your personal medical information held by OH providers using **MOD Form 1694: Subject Access Request (SAR) Form**.

Yours sincerely

OFFICIAL SENSITIVE – PERSONAL *(when completed)*

*(Insert your name)*

*(Insert your designation)*

## Supporting Attendance Procedure

July 2019  
(Rev 11/21)

# Supporting Attendance Procedure

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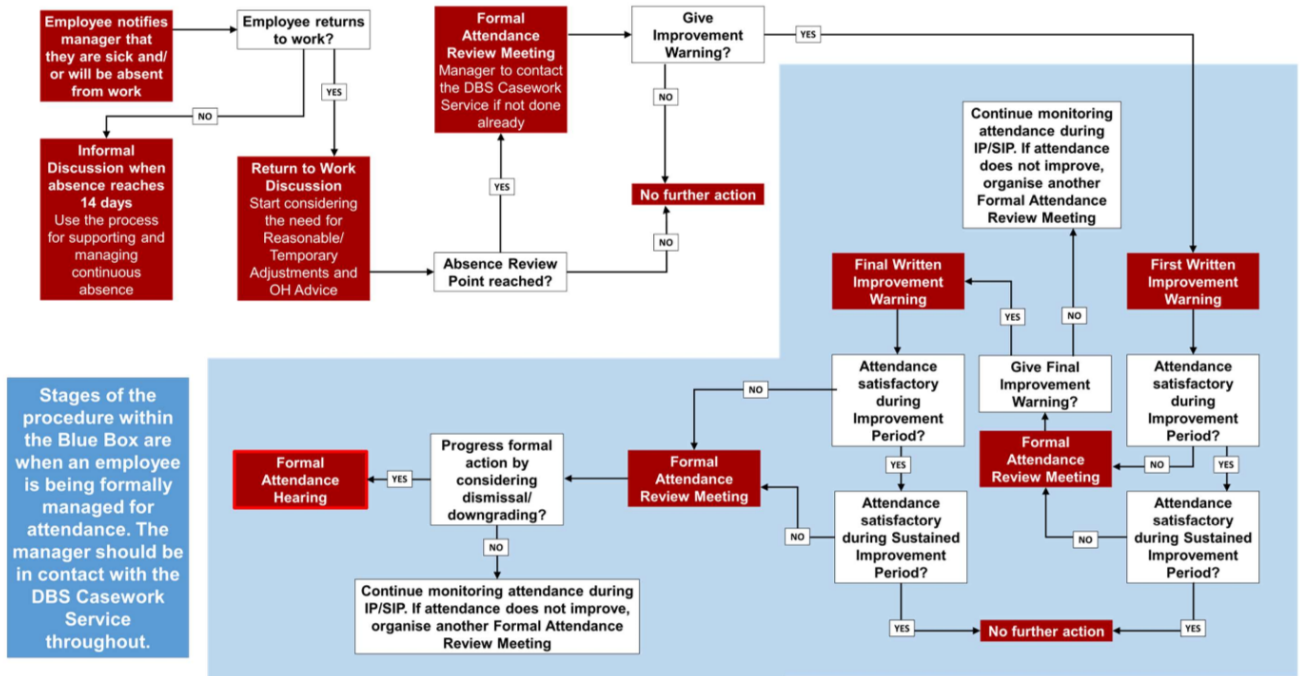
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Process Map

# Process Map for Supporting and Managing Absence



## Introduction

1. This procedure document should be used by managers and employees to support and manage attendance proactively, with a focus on wellbeing and being sensitive to the needs of the individual.
2. Managers and employees should use this procedure document in addition to advice and support from the DBS Casework Service, Occupational Health and the Reasonable Adjustment Services Team where necessary. Managers should consider all the circumstances of a case when deciding the best course of action for managing absence. This may include applying discretion when, based upon all the information available, formal action is not appropriate.
3. This procedure document should be read alongside the Supporting Attendance Policy.

## Definitions

4. A glossary of key terms e.g. Absence Review Point, Formal Continuous Absence Review Meeting, Appeal Manager etc., is available at the end of the procedure document. Note that where this document states that a manager, decision manager, appeal manager or employee 'must' take a particular action, this designates a legislative requirement. Where this document states that a manager, decision manager, appeal manager or employee 'should' take a particular action, this designates a Civil Service or departmental requirement and the expectation is that the guidance will be followed other than in exceptional circumstances and only after consultation with the Casework Service.

## Roles and responsibilities

5. Managers should:
  - be accountable for their decisions;
  - act early to address health or wellbeing issues which may affect attendance or performance;
  - ensure contact is made with employee on the first day of absence to agree keeping in touch arrangements. This only needs to be on an informal, light-touch basis, accounting for the nature of absence;
  - keep in touch with the employee throughout the absence and undertake periodic continuous absence review meetings where required;
  - record start and end of absences on HRMS. In cases where the manager is unable to or is unavailable, the employee can do this themselves (e.g. in the cases of shift workers);
  - retain records and make notes of any conversations/decisions relating to employee absence. Records of Return to Work discussions should be uploaded onto HRMS.
  - help employees by assisting them to continue to work when they experience ill-health, or to return to work as soon as possible following a period of sickness absence;



- work with the employee to explore what they can do, or might be capable of doing, with help and adjustments to how they work; and
  - hold a Formal Attendance Review Meeting with all employees who reach their Absence Review Point and decide what action to take; hold Formal Continuous Absence Review Meetings with employees who are on continuous absence.
6. Managers should, when necessary, seek expert advice from the DBS Casework Team who can provide advice and guidance on the Supporting Attendance process.
7. Employees should:
- attend work unless they are not well enough to do so and return to work as soon as they are able;
  - talk to their manager as soon as they experience any issues which might affect their attendance or performance;
  - contact their manager on the first day of absence and agree Keeping in Touch arrangements with their manager;
  - ensure the manager has recorded the start and end dates of the absence on HRMS;
  - know what standard of attendance is expected of them and ensure they are familiar with the process which will be followed if they reach their Absence Review Point; and
  - work with their manager to look for ways of continuing to work or of returning to work as soon as possible following a period of absence.

### **DBS Casework Service**

8. The DBS Casework Service provide expert support to line managers in the day to day management of attendance.
9. Line managers should consult with the Casework Service when considering formal action. A Caseworker can provide advice to ensure that the procedure for supporting and managing attendance is correctly applied and can provide additional advice to the manager on ways to help improve an employee's attendance. A Caseworker should attend Formal Attendance Hearings and any subsequent Appeal Meetings, and participate in all Case Conferences.
10. Caseworkers do not make decisions – this is the responsibility of the manager – but they can advise on the policies and procedures and help to ensure that the manager is following the process correctly and provide additional support and assurances to managers who are making decisions based on the information available to them.
11. Case Conferences are meetings between the line manager, countersigning officer and a Caseworker that occur after 2 months of continuous absence and every month thereafter or as close to these timings as practical. The purpose of the Case Conference is to ensure that the employee has been given the help and adjustments necessary to enable

a return to work, and whether any further help needs to be provided. For example, consideration will be given as to whether or not a Fit for Work Plan could be provided, or whether other reasonable adjustments or temporary adjustments are required. Conferences can often be light-touch and short meetings but having them regularly is important and reassuring.

### **Reasonable Adjustment Services Team (RAST)**

12. The MOD's RAST provide advice and further guidance on reasonable adjustments. Reasonable adjustments are used to remove barriers, or a disadvantage, for people with a disability. They can also help people who don't have a disability or long-term health condition, enabling them to develop and fulfill their potential. A reasonable adjustment could be a change to a policy, working arrangement or provision of equipment. Many adjustments do not require a physical change.
13. Employers are required under the Equality Act 2010 to make reasonable adjustments to enable employees with disabilities to attend work and carry out their roles effectively.
14. Some employees with a disability may require a separate Absence Review Point. This is a form of reasonable adjustment. The line manager should consider this by reviewing the previous disability related absence and take the needs of the business and consistency/ fair treatment into consideration. Separate Absence Review Points should be considered on a case-by-case basis with advice from the RAST.
15. In addition to adjustments that employers are legally obliged to make, it is good practice to consider all requests for adjustments. This includes adjustments which could positively impact the engagement, productivity and morale of employees who do not have a disability. For this reason, we refer to reasonable adjustments as the steps taken to remove, to reduce or to prevent the obstacles faced by all employees. Reasonable adjustments are therefore used here in the wider sense and where the action is only applicable to employees with a disability, this is specified.
16. Any adjustments should be regularly reviewed to ensure they continue to be effective or to identify whether further adjustments are needed. It is strongly recommended that adjustments are recorded on a Workplace Adjustment Passport HR Form 221. The purpose of the Passport is to record all agreed workplace adjustment requirements (physical and non-physical). This minimises the need to renegotiate reasonable adjustments every time an employee moves post/moves between departments or is assigned a new line manager.

### **Occupational Health (OH) Service**

17. OH is a specialist service that provides advice to managers about an employee's health, or with making adjustments to enable them do their job effectively.
18. With the employee's consent, a manager can make a referral to OH at any time if they are concerned that the employee's health is affecting their attendance or performance. They do not have to wait until the employee has reached the Absence Review Point or until they are absent from work before seeking advice.

19. OH advice should be sought immediately where there is no clear return to work date, or where an employee has a medical certificate/Fit Note with a diagnosis of either a mental health-related illness (e.g. stress, anxiety or depression), or a musculoskeletal condition.
20. The manager must seek an employee's consent to a referral. If the employee does not consent, the manager should decide what action to take based on the information available to them. This should be made clear to the employee before a decision on next steps is made by the manager.
21. If managers are unsure whether to refer a member of staff to OH they can contact the DBS Casework Service for advice.

### **DBS Employee Wellbeing Service (EWS)**

22. The EWS is a confidential telephone or e-mail based professional advice service, which can provide support to civilian employees experiencing problems because of domestic or work-place issues.

## **Reporting and recording absences**

### **Notifying sickness absence**

23. The employee should contact their manager and report their absence from work by 10am on the first day of their sickness absence (or within two hours of their normal start time, if the employee is a shift worker or works part time). Where the employee's manager is unavailable, another manager should be contacted. An employee's next of kin or relative may contact the manager to notify them of the absence when the employee is unable to.
24. The employee should usually notify their sickness absence in the first instance by telephone call. If the employee is unable to call, they should email or text their manager. The manager should make a follow-up call, email or text later that day and agree keeping in touch arrangements with the employee. This only needs to be on an informal, light-touch basis, accounting for the nature of the absence.
25. The manager and employee should adopt a work-focused approach. If this is not appropriate, for example if the employee is in hospital, that approach should be delayed until a more appropriate stage in their recovery.
26. Following initial contact with the employee, the manager should:
  - Record the start date of the sickness absence on HRMS.
  - Refer the case to Occupational Health in any case if the cause of absence is stress, mental health or musculoskeletal conditions, and consider the need for reasonable/temporary adjustments. The manager should also signpost the employee to the Employee Wellbeing Service if they think that this is appropriate.
  - Carry out a Stress Risk Assessment with the employee if the absence is stress-related or carry this out once the employee returns to work. For further advice, refer to the Supporting Attendance Gateway, JSP 375 and guidance produced by the Health and Safety Executive (HSE).

### **Possible unauthorised absence**

27. If the employee does not attend work and does not make contact with the manager, the manager should try to get in touch using the most appropriate means.
28. If the manager is still unable to contact the employee, they should follow the policy and guidance on Unauthorised Absences.

### **Certifying the sickness absence**

29. For sickness absences of 8 calendar days or more, the employee must provide a Fit Note. A Fit Note is issued by a doctor and provides information on how a condition affects an individual's ability to work. The Fit Note can help the manager in understanding how they can help the employee stay in work or return to work sooner. This should be submitted as soon as possible or upon the employee's return to work.
30. However, if an employee has not returned to work within 14 consecutive days, they are required to send their Fit Note to their manager during their absence.
31. The manager should use the Fit Note to update the sickness absence record on HRMS and send a copy of the Fit Note to DBS Mail & Scanning Hub, PO Box 38, SK8 7NU. Employees should keep the original Fit Note for their own records.
32. Not providing a Fit Note may lead to disciplinary action and/or action to stop pay. Refer to the Misconduct policy and guidance.

## **Managing absence**

### **During the sickness absence**

33. The manager or agreed alternative point of contact should keep in touch with the employee during their absence.
34. The manager should adopt a work-focused approach during all discussions with the employee throughout their absence.
35. If the absence reaches 14 consecutive calendar days, the manager should refer to the procedure for continuous sickness absence.

### **Part-day absence**

36. A part-day absence is where an employee attends work for part of the day before going home due to illness or injury.
37. Where an employee works for:
  - One hour or less; this will count as one day's sickness absence and will count towards the Absence Review Point for formal action. The manager is required to record this absence on HRMS.
  - More than one hour; this should be treated as a full day's attendance and not recorded as a sickness absence. Therefore, it will not count towards the

Absence Review Point for formal action. Managers are not required to record this absence on HRMS but should keep a local record of the absence.

38. Part-day absences not being treated as sickness absence is a concession that may be withdrawn by line management. If the manager believes there is a recurring pattern of part-day absence, they should discuss this with the employee and refer to paragraph 47 which sets out the steps which should be followed when Absence Review Points are reached.

### **Returning to work**

39. A Return to Work Discussion is often the first opportunity for a manager to discuss in greater detail with an employee their sickness absence. It is important that managers take the time and effort to welcome an employee who has been absent back to work, and to discuss how they are now feeling and what help may be required. A successful Return to Work Discussion will minimise the likelihood of an employee not receiving the help that they require, and therefore can reduce the likelihood of further absence. Managers should refer to the guidance on holding a Return to Work Discussion in the Gateway.
40. The manager should hold a Return to Work Discussion after every period of sickness absence, regardless of its duration, on the day that the employee returns to work. This discussion should include a review of all sickness absences in the rolling 12-month period. This discussion should take place face to face, and where this is not practical the manager is required to conduct the discussion over the telephone.
41. Following the Return to Work Discussion, the manager should close the sickness absence promptly on HRMS and record the discussion.
42. If the employee has reached their Absence Review Point, their manager should hold a Formal Attendance Review Meeting to decide whether to take formal action. If the employee has a Fit for Work Plan, the Formal Attendance Review Meeting should be delayed until they have returned to their normal working pattern.
43. If the employee has not reached their Absence Review Point, but their absence level gives cause for concern, the manager should informally discuss the employee's sickness absence level. This may include discussions about part-day sickness absence, possible patterns of sickness absence or concerns that the employee's health or wellbeing is affecting, or might affect, their attendance. Sometimes, the discussion may involve an employee's concerns about their domestic or workplace situation and how it is impacting upon their attendance. The manager should be prepared to listen to and support the employee as required, and refer to them to further support if needed.
44. The informal discussion should focus on helping the employee maintain a satisfactory level of attendance. The manager should:
- Tell the employee that they are concerned about their level of sickness absence and remind them of the attendance standard expected of them.
  - Give the employee the opportunity to discuss any issues or concerns that they feel are affecting or might affect their attendance.
  - Adopt a work-focused approach to reduce the likelihood of further sickness absences.

- Consider whether Occupational Health or RAST advice is needed to understand the impact of the employee's health on their attendance, and any ways that the manager or changes can help them.
45. Managers should keep a brief note of the discussion. It is recommended that the employee completes a Work Place Adjustment Passport HR Form 221 if an adjustment is required on return to work.

### **When Absence Review Points are reached: formal action**

46. The Absence Review Point is an absence level that reaches 9 working days (pro-rata for part-time workers) in a rolling 12 month period. As a reasonable adjustment, some employees with a disability may have a separate Absence Review Point.
47. If the employee reaches their Absence Review Point the manager/decision manager is required to consider whether formal action should be taken. Formal action is considered at the following points:
- After the Formal Attendance Review Meeting.
    - Managers should decide whether to issue a First Written Improvement Warning.
  - When the employee reaches their Absence Review Point during the Improvement/Sustained Improvement Period.
    - Managers should decide whether to issue a Final Written Improvement Warning.
  - When the employee reaches their Absence Review Point following a Final Written Improvement Warning or when an employee is on continuous sickness absence and the manager is now considering dismissal or downgrading.
    - Managers should decide if dismissal or downgrading is appropriate in an Attendance Hearing.

### **Holding a Formal Attendance Review Meeting**

48. Before considering formal action, managers should consult with the DBS Casework Service who can provide expert advice and additional support to the manager on ways to help improve an employee's attendance.
49. If an employee's sickness absence level reaches the Absence Review Point, the manager should inform the employee at the Return to Work discussion, that they have reached the Absence Review Point and will be invited to a Formal Attendance Review Meeting. If the employee has not returned to work by the 28<sup>th</sup> consecutive calendar day, the manager is required to invite the employee to a Formal Continuous Absence Review Meeting whilst the employee is still absent and should refer to the procedure for managing continuous sickness absence.
50. An employee can bring a trade union representative or colleague to all formal meetings. Managers should make special arrangements and consider any accommodations requirements or reasonable adjustments that would enable the employee to attend the meeting.

51. Throughout, managers are required to consider the need for Occupational Health advice. Employees can access the Employee Wellbeing Service at any point during their employment, where they can obtain advice and support as appropriate. Managers should make documents and guidance available to the employee (at work, if they have limited computer access, and during any absences), and signpost the information for services like the EWS if needed.

### **Written Improvement Warnings**

52. Managers should consider giving a Written Improvement Warning when an employee's sickness absence level reaches the Absence Review Point. In all cases the manager is required to hold a Formal Attendance Review Meeting with the employee before making a decision.
53. The purpose of a Written Warning is to remind the employee of the attendance standard expected of them. Managers should work with the employee to identify any help which may be needed to help them achieve this. An employee can raise an appeal against the issue of a Written Improvement Warning.
54. When absence is related to disability, managers should consider and put in place any reasonable adjustments before issuing a warning.

### **Using line manager discretion to not progress formal action/issue an Improvement Warning**

55. In some circumstances, it is appropriate for line managers to use their discretion and not issue a warning despite the Absence Review Point being reached.
56. The line manager should consider, for example:
- the employee's overall attendance record. The line manager may decide not to issue a Written Improvement Warning following a sickness absence which is uncharacteristic for the employee and whose sickness absence record is otherwise satisfactory.
  - if the absence is a one-off illness (measles, chicken pox, etc.) unlikely to reoccur.
  - If the absence is a one-off operation or medical procedure e.g. appendectomy, or a one-off fracture or sprain, and unlikely to reoccur.
  - Whether the absence is due to misfortune or accident and unlikely to reoccur
  - the likelihood of underlying health conditions which will improve over time, using Occupational Health advice if necessary.
  - If it is a treatment which benefits someone else, such as organ donation.
  - If it is the after-effects of IVF treatment
  - Consideration should also be given on the impact on people with stress related absences.

N.B In the case of long-term illness, such as cancer, the illness is covered under the Equality act (2010), or Northern Ireland's equivalent

57. Managers should consider the impact of Written Warnings on people with stress-related absences.
58. The manager should always arrange a Formal Attendance Review Meeting with the employee when they have reached the Absence Review Point and explore ways of helping them.
59. After holding a Formal Attendance Review Meeting, the manager should review all absences that contributed to the Absence Review Point being reached, and determine if any instances of sickness absence are to be excluded from the progression of formal action. This is using line manager discretion. The DBS Casework Service can provide further advice about using line manager discretion in individual cases.

#### **Specific circumstances when formal action will not be progressed**

60. There are also specific instances when managers must not take formal action. These are as follows:
  - If the sickness absence is related to either pregnancy or gender reassignment, the manager can tell the employee at the Return to Work discussion they will not be invited to a Formal Absence Review Meeting. However, they should still meet with the employee to discuss ways of helping them meet the attendance standard expected of them.
  - Special arrangements apply where the sickness absence is due to an injury sustained or a disease contracted in the course of duty. These are set out in section 9.6 of the Civil Service Management Code. The full qualifying conditions for injury benefit are set out in the Civil Service Injury Benefit Scheme.
  - Where the employee was absent because they were assaulted either in the course of duty, or for a reason clearly connected with duty.
  - If the absence is due to injury by the negligence of the Crown. An appropriate share of the absence can reckon towards the Absence Review Points and lead to a warning if the employee's negligence contributed to the injury.
  - During the first six months of an absence brought about in circumstances that satisfy the qualifying conditions for injury benefit under the Civil Service Injury Benefit Scheme. A warning can be given if the absence continues beyond this.
  - For any period of absence for which the employee repays an advance of salary made by the department under section 9.6.3.c of the Management Code.
61. Managers may use their discretion to not take formal action for absences in relation to alcohol or substance misuse. In these cases, managers should speak with the DBS Casework Service to receive expert advice.

#### **Improvement and Sustained Improvement Periods**

62. An employee who receives a Written Improvement Warning enters a 3-month Improvement Period during which they should aim to meet the attendance standard expected of them.



63. The manager should tell the employee of the attendance standard they are expected to meet during the Improvement Period. The employee's absence will reach the Improvement Period Absence Review Point if the number of sickness absences reaches:

<b>During:</b>	<b>Total days of sickness absence</b>
Month 1	2
Month 2	3
Month 3	3

64. If the employee is part-time or if the employee has a separate Absence Review Point as a reasonable adjustment, the Absence Review Points during the Improvement Period should be prorated as necessary.

**Attendance has improved by the end of the Improvement Period**

65. If attendance is satisfactory on completion of the Improvement Period, the manager should arrange a formal meeting with the employee to tell them they have met the attendance standard expected of them.

66. During the meeting the manager should follow the steps in the Gateway on holding a formal meeting, and:

- Acknowledge that the employee's attendance has improved.
- Tell the employee that they are expected to sustain the improvement for 12 months. The Sustained Improvement Period starts immediately following the 3-month Improvement Period.
- Explain to the employee that absences are monitored during the Sustained Improvement Period over a rolling 12-month period.
- The manager should tell the employee of the attendance standard they are expected to meet during the Sustained Improvement Period. The employee's absence will reach the Sustained Improvement Absence Review Point if the number of sickness absences reaches:

<b>During:</b>	<b>Total days of sickness absence</b>
Month 1	2
Month 2	3
Month 3	3
Month 4	3
Month 5	3
Month 6	4
Month 7	5
Month 8	5
Month 9	6
Month 10	7
Month 11	8
Month 12	9

67. If the employee is part-time or if the employee has a separate Absence Review Point as a reasonable adjustment, the Absence Review Points during the Improvement Period should be prorated as necessary.

**Attendance has improved by the end of the Sustained Improvement Period**

68. If the employee does not reach the Absence Review Point during the Sustained Improvement Period, following its conclusion the manager should arrange a formal meeting with the employee to tell them that they have met the attendance standard expected of them.
69. During the meeting the manager should follow the steps in the Gateway on holding a formal meeting, and acknowledge that the employee's attendance has improved and been sustained, and inform the employee that formal action has now ended.

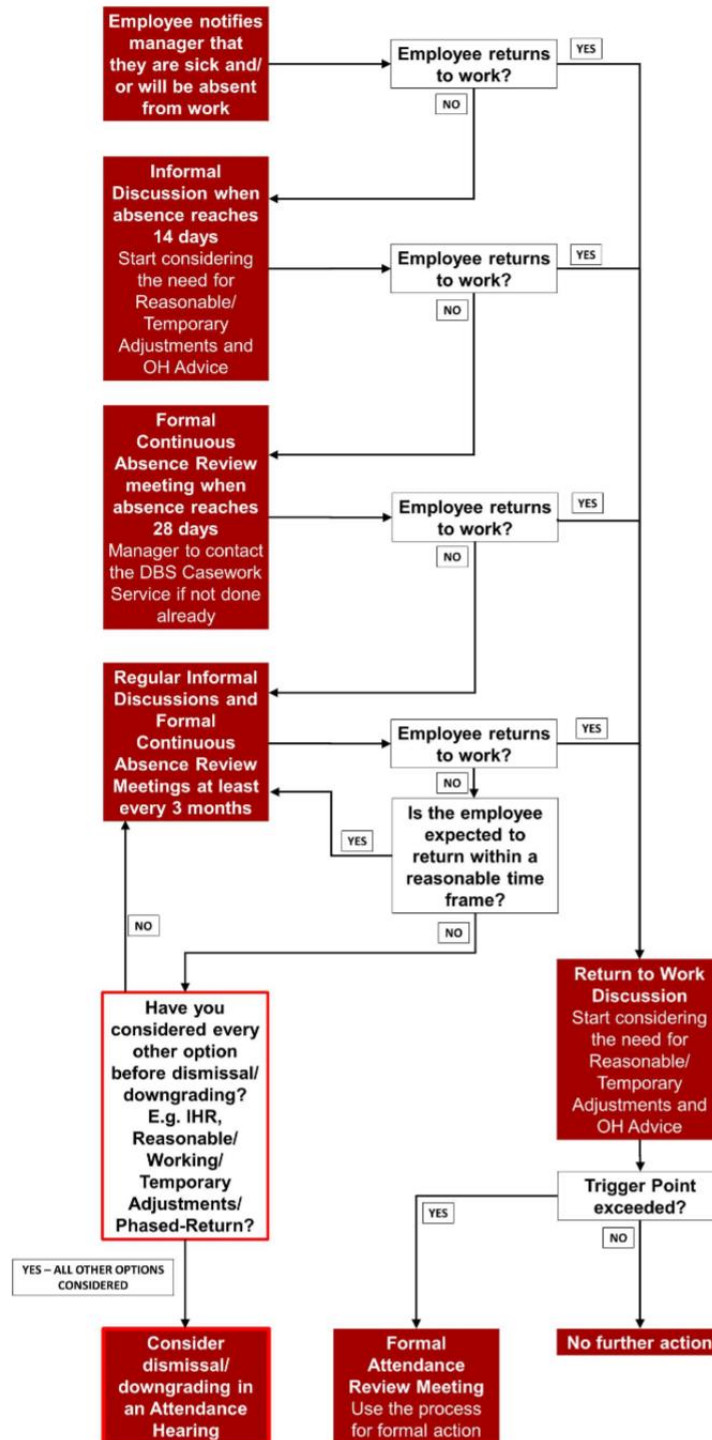
**After the First Written Improvement Warning, the Absence Review Points are reached during the Improvement Period or Sustained Improvement Period**

70. If the Absence Review Points are reached during the Improvement Period or Sustained Improvement Period, formal action may progress. The manager does not need to wait until the employee has completed the Improvement Period or Sustained Improvement Period before taking further formal action.
71. If the employee reaches the Absence Review Point during either the Improvement Period or the Sustained Improvement Period, the manager should arrange a further Formal Attendance Review Meeting with the employee to tell them that they have not met the attendance standard expected of them.
72. During the meeting the manager should follow the steps in the Gateway on holding a formal meeting, and
  - Tell the employee that they have reached the Absence Review Point during the Improvement Period or Sustained Improvement Period.
  - Allow the employee to present any new information.
  - After the meeting, consider whether, in light of all the available evidence, to progress formal action by issuing a Final Written Improvement Warning.
73. In some circumstances, it is appropriate for line managers to use their discretion and not issue a Final Written Improvement Warning even if the employee reaches the Absence Review Point during the Improvement or Sustained Improvement Period. For example, the employee may have sustained the required attendance standard for 11 months of the Sustained Improvement Period, and so a longer, single bout of sickness absence in the twelfth month may have been uncharacteristic. The DBS Casework Service can provide further advice on individual cases.
74. After the meeting the manager should inform the employee in writing of their decision to either:
  - Issue a Final Written Improvement Warning, or
  - Take no further action at this point, in this case, the Improvement Period or Sustained Improvement Period continues to its original end date.

**After the Final Written Improvement Warning, the Absence Review Points are reached during the Improvement Period or Sustained Improvement Period**

75. If the employee reaches the Absence Review Point again before the end of the Improvement Period after receiving a Final Written Improvement Warning, the manager should arrange a Formal Attendance Hearing to consider dismissal or downgrading.
76. In some circumstances, it is appropriate for line managers to use their discretion and not arrange a Formal Attendance Hearing if attendance has not improved after a Final Written Improvement Warning has been issued. The DBS Casework Service can provide further advice on individual cases.
77. The manager should inform the employee in writing of their decision to either:
- Progress formal action and arrange a Formal Attendance Hearing with the employee at which dismissal or downgrading will be considered. Please refer to paragraph 94 for the procedure for considering dismissal/downgrading, or
  - Take no further action at this point, in this case, the Improvement Period or Sustained Improvement Period continues to its original end date. The Final Written Improvement Warning still stands and any further absences may warrant the manager to consider again whether to progress formal action.

## Process Map for supporting and managing continuous absence



## Absences that reach 14 consecutive calendar days (continuous absence)

78. Managers have a responsibility and a duty of care for employees who are on continuous absence.
79. During any continuous sickness absence, the manager and employee should work together to explore what the employee can do, or might be capable of doing with help and adjustments, to return to work as soon as they are able.
80. Managers should make documents and guidance available to the employee during absence, and also signpost the information for services like the Employee Wellbeing Service if needed.

### Meetings during continuous sickness absence

81. During a continuous sickness absence, it is good practice for managers to maintain regular contact with the employee. The manager and the employee should meet as a minimum at:

Type of meeting	Who attends	Timing	Frequency	Format
<b>Informal discussion</b>	Employee Line manager	Within 14 days of the start of the absence	To be determined by manager but at least every month	By telephone or face-to-face
<b>Formal Continuous Absence Review Meeting</b>	Employee Line manager	When sickness absence reaches 28 consecutive days	Every 3 months after the first Formal Continuous Absence Review Meeting	By telephone or face-to-face
<b>Case Conferences</b>	Line manager Countersigning officer DBS Caseworker	When sickness absence reaches 2 months	Every month after the first Case Conference	By telephone

82. Where an employee returns to work following a period of continuous absence, the manager should have a Return to Work discussion with the employee, consider all the help that the employee may need, and follow the procedure for 'When Absence Review Points are reached: formal action'.

### Informal discussion

83. Circumstances may vary depending on the nature of the absence. Managers should recognise that the purpose of the informal discussion is to do all that is reasonable to manage the absence in an appropriate, practical and supportive way:
  - a. The manager should encourage an open conversation and ask the employee how they are and where they are in their recovery, and invite the employee to raise any questions or concerns.
  - b. The purpose of the discussion is to work together on a plan in response to the absence, including the timing and management of any return to full attendance. This may include, but is not limited to seeking OH advice, a Fit for Work Plan, consideration to whether the absence is associated with a disability, or putting in place Temporary or reasonable adjustments.

### **Formal Continuous Absence Review Meeting**

84. The purpose of the Formal Continuous Absence Review Meeting is to decide next steps. This includes further exploring the help that the employee might need to return to work, but also to consider whether the employee is likely to return within a reasonable time frame. The meeting should take place on the 28<sup>th</sup> consecutive calendar day (or shortly thereafter) if the employee has not returned to work by this point. This is a formal meeting where the employee has the right to be accompanied by a Trade Union representative or colleague. Managers should make special arrangements and consider any accommodations requirements or reasonable adjustments that would enable the employee to attend the meeting.
- a. Managers are strongly advised to consult with the DBS Casework Service throughout the formal process to ensure that the procedure for Supporting Attendance is being correctly applied.
  - b. Following a Formal Continuous Absence Review Meeting, the manager should decide the next steps.
  - c. In some circumstances, taking account of all the information available, it is appropriate for line managers to use their discretion and take no further action after a Formal Continuous Absence Review Meeting. The DBS Casework Service can provide further advice on individual cases.
  - d. If the continuous absence can no longer be supported, the case should progress to considering dismissal/downgrading. Caseworker advice is required to be sought if this option is considered. Based upon OH advice, consider whether Ill Health Retirement or a Fit for Work Plan could be considered.

### **Case Conferences**

85. Case Conferences are meetings between the line manager, countersigning officer and a DBS Caseworker that occur after 2 months of continuous absence and every month thereafter. The purpose of the Case Conference is to ensure that the employee has been provided the help and adjustments necessary to enable them to return to work, and whether any further help needs to be provided. For example, consideration will be given as to whether or not a Fit for Work Plan could be provided, or whether other reasonable adjustments or temporary adjustments would enable the employee to return to work. Case Conferences can often be light-touch and short meetings but having them regularly is important and reassuring.

### **Returning to Work following a period of continuous absence**

86. A well-managed plan for returning to work can significantly contribute towards a smooth and successful return to the workplace. Empowering an individual to influence their return to work plan can significantly boost their well-being and confidence. This could include a Fit for Work Plan, which provides short-term solutions such as allowing the employee to build up their hours gradually before returning to their normal working pattern; adjusting duties; changes to core working hours; working remotely or permitting additional breaks. See the Gateway for guidance on making reasonable adjustments.

87. The right time to talk about a Return to Work will depend on the employee and the nature of their illness. See guidance in the Gateway on how to plan for a Return to Work.
88. When the employee returns to work following a period of continuous absence, the manager should invite the employee to a Formal Attendance Review Meeting. At the Formal Attendance Review Meeting, the manager should explore ways to support the employee, but also consider whether to progress formal action and issue a First/ Final Improvement Warning if the period of sickness was in an Improvement/Sustained Improvement Period anyway). In this case, the process for 'When Absence Review Points are reached: formal action' should be followed.
89. The Formal Attendance Review Meeting should take place regardless of whether the Continuous Absence Review Meeting(s) took place or not whilst the employee was absent, because even though they have returned to work, they will have reached the Absence Review Point.

### **III Health Retirement (IHR)**

90. With the employee's consent the manager can make an application for IHR if they have received advice from OH that an underlying medical condition prevents the employee from carrying out duties and could warrant IHR.
91. Employees can independently of their manager apply for IHR, however it is recommended that they discuss this with their line manager before doing so.
92. If all other Supporting Attendance procedures have been followed and the employee does not consent to an IHR application, or the application is unsuccessful, then the manager should consider dismissal based on all the information available to them.
93. Managers should not wait on the outcome of an IHR application to progress formal action, if that is the most appropriate course of action based on all the information available and the circumstances of the case.

### **Considering dismissal or downgrading or taking no action**

94. The person who takes the decision on dismissal or downgrading is called the decision manager and is required to be at least one grade higher than the employee. They cannot be the manager or line manager who originally initiated formal action. The decision manager must also be at least C1 grade/military equivalent.
95. When the line manager decides to progress formal action by inviting the employee to an Attendance Hearing, they should advise the DBS Caseworker that an estimate of superannuation and discretionary compensation is required for the decision manager.
96. A decision manager should consider dismissal or downgrading when the Supporting Attendance procedure has been followed and:
  - The department is now considering dismissal or downgrading because the employee reached the Absence Review Point after receiving a Final Written Improvement Warning or the employee is unlikely to return to work in a period of continuous sickness absence, and

- The department has explored all options to make reasonable adjustments which would enable the employee to return to work or help them attain a satisfactory attendance standard, and
  - OH advice has been received within the last 3 months, unless the employee withheld their consent to an OH referral, and
  - An application for Ill Health Retirement is not appropriate or has been refused.
97. The decision manager should conduct a Formal Attendance Hearing with the employee before making a decision about dismissal or downgrading. When arranging the meeting, the decision manager should follow the relevant steps in the Gateway on holding a formal meeting.
98. This is a formal meeting where the employee has the right to be accompanied by a Trade Union representative or colleague, and a DBS Caseworker should be present. The decision manager should consult with the DBS Casework Service throughout the formal process. Managers should make special arrangements and consider any accommodations requirements or reasonable adjustments that would enable the employee to attend the meeting.
99. At the meeting the decision manager should also:
- Explain why they are considering dismissal or downgrading, and
  - Allow the employee to present any new information which might affect their decision.

**Decision is downgrading**

100. Downgrading can be offered as an alternative to dismissal in some circumstances, but only if the employee agrees to accept a post at a lower grade. The decision manager may decide to downgrade the employee if:
- They are not expected to return to their current post within a reasonable time frame.
  - The pressure of the duties of a higher grade is likely to have been the major reason for the unsatisfactory attendance.
  - They believe that the employee will achieve the required level of attendance again in the lower grade, and
  - A suitable vacancy is available.
  - The employee consents to accepting a post at a lower grade.
101. After making their decision, the decision manager should:
- Make a full written record of the discussion, the outcome and the reasons for the decision.
  - Meet with the employee and a companion (if the employee wishes) within 5 working days of the meeting to provide written confirmation of their decision. If



meeting in person is not possible the letter must be sent by recorded delivery and by standard mail.

102. The letter is required to include the following information:
- The reasons for the decision.
  - The details of the downgraded post highlighting that the post is offered as an alternative to dismissal and that the employee must expressly consent to the alternative sanction (a post at a lower grade) being offered.
  - The effect of downgrading on the employee's pay, pension and other terms and conditions if appropriate. The DBS Caseworker will advise.
  - The date on which the decision becomes effective.
  - A copy of the notes taken during the first formal meeting to consider dismissal or downgrading.
103. The manager should ensure that the employee's absence record on HRMS is updated.

**Decision is dismissal**

104. The decision manager should dismiss the employee if **all** the following apply:
- Downgrading is not appropriate or the employee rejects this option.
  - Where appropriate, there are no further reasonable adjustments which can be made which will help the employee improve their attendance.
  - OH advice has been received within the last 3 months, unless the employee withheld their consent to an OH referral.
  - An application for IHR would not be appropriate or has been refused.
105. After making their decision, the decision manager should:
- Confirm level of discretionary compensation with the DBS Caseworker.
  - Make a full written record of the discussion, the outcome and the reasons for the decision.
  - Meet with the employee and a companion (if the employee wishes) within 5 working days of the meeting to provide written confirmation of their decision. If unable to meet the letter must be sent by recorded delivery and by standard mail.
106. The letter is required to include the following information:
- The reasons for the decision.
  - The date on which the decision becomes effective.
  - The appropriate period of notice, if relevant.

- Where any discretionary compensation is to be paid, and the level of payment.
  - The employee's right of appeal.
  - The name of the appeal manager.
  - The employee's right of appeal to the Civil Service Appeal Board regarding the amount of discretionary compensation awarded.
  - A copy of the notes taken during the Attendance Hearing to consider dismissal or downgrading.
107. A copy of the letter and the percentage level of discretionary compensation awarded will be sent to [People-CivHR-Policy@mod.gov.uk](mailto:People-CivHR-Policy@mod.gov.uk) by the DBS Caseworker. *Managers **must** ensure that relevant **TLB** financial and **TLB** HR approvals are in place before communicating compensation outcomes/levels of payment to the job holder and instructing DBS to take forward payment action. These approvals should generally be at 1\* level.*
108. The manager should ensure that the employee's absence record on HRMS is updated.

#### **Decision is no further action**

109. If the decision manager decides not to dismiss or downgrade, the Supporting Attendance process will continue. This means that:
- The Improvement Period or Sustained Improvement Period will continue to the original end date. Any additional absences may lead to dismissal or downgrading being reconsidered.
  - Formal Continuous Absence Review Meetings will continue during a period of continuous sickness absence. The decision manager may reconsider the decision to dismiss or downgrade in the future.
110. After the decision has been made not to dismiss or downgrade, the decision manager should meet with the employee and a Trade Union representative or companion (if the employee wishes), within 5 working days of the meeting to provide written confirmation of their decision. If meeting in person is not possible the letter must be sent by recorded delivery and by standard mail. The letter is required to include the following information:
- The reasons for the decision.
  - A copy of the notes taking during the Formal Attendance Hearing to consider dismissal or downgrading.

## **Appeals**

111. There is one right of appeal at each decision point in the Supporting Attendance procedure. The following decisions can be appealed:

- **Formal Written Improvement Warnings** – when the employee has been issued with either a First or Final Written Improvement Warning.
  - **Dismissal** – following the Formal Attendance Hearing if the decision manager has decided to dismiss the employee.
112. The employee has 5 working days from the date of receipt of the decision to submit their appeal to the Appeal Manager. The appeal should clearly state the grounds for the employee's appeal and their desired outcome.
113. There are three grounds of appeal:
- A procedural error has occurred, and/or
  - A decision is not supported by the information/evidence available to the manager or decision manager, and/or
  - New information/evidence has become available which should be taken into account when reaching a decision about issuing a Written Improvement Warning or dismissal.
114. If the appeal does not satisfy the above grounds of appeal, the Appeal Manager should reject it and notify the employee in writing.
115. Employees may not raise a grievance where a right of appeal exists under this or any other departmental procedure which is able to address the issues raised.
116. Appeals should be heard by an Appeal Manager who is:
- At least one grade higher than the decision manager who made the original decision.
  - Independent. In other words, they have had no previous decision making involvement in the case.
117. The appeal process should continue alongside any on-going action under the Supporting Attendance procedure, including the start of any notice period. The Appeal Manager's decision is final.
118. If the appeal meets the criteria, the Appeal Manager should conduct a Formal Appeal Meeting with the employee before making a decision.

#### **The Appeal Meeting**

119. When arranging the meeting, the Appeal Manager should follow the relevant steps for formal meetings in the Gateway. The Appeal Manager should consult with the DBS Casework Service and ensure that a DBS Caseworker attends the Appeal Meeting.
120. Before the meeting the Appeal Manager should:
- Check they have all the papers relating to the decision.
  - Check that the procedure has been followed correctly.
  - Ensure they understand the grounds of appeal.

- Fully consider all the points raised by the employee in their appeal.
  - Consider the original decision and any new evidence provided by the employee.
121. An Appeal Meeting should be conducted as a full re-hearing of the case. In some cases, but only where dismissal is not being considered, depending on the grounds of appeal, the Appeal Manager may restrict their consideration to a review of specific matters, such as whether the original decision was made in accordance with the procedure.

#### **Following the Appeal Meeting**

122. Following the meeting, the Appeal Manager should decide whether to uphold the appeal. They should write to the employee notifying them of their decision within 5 working days of the meeting.
123. The decision letter should include:
- Whether the appeal is upheld or rejected and the reasons for this decision.
  - Recommended actions such as dispute resolution/mediation, further Formal Attendance Review Meetings/Formal Continuous Absence Review Meetings with the employee and reasonable adjustments.
124. Following the meeting, the Appeal Manager should forward copies of the record of the meeting and outcome so that the necessary updates are made to the employee's sickness record on HRMS.

### **Other things to consider**

#### **Confidentiality**

125. Sickness absence records are confidential and should only be viewed by, or communicated to, other managers or Occupational Health providers. This should be done in accordance with departmental data protection policies. Disciplinary action may be taken for any inappropriate handling or processing of personal data. This also applies to the inappropriate use, recording and sharing of notes taken during both informal and formal meetings.

#### **Security Concerns**

126. The symptoms of certain medical conditions may have security implications if they include occasional loss of consciousness, physical weakness or psychological problems which increase an individual's vulnerability. In the majority of cases, the security risks are manageable. Expert advice on medical matters is sought from a Vetting Medical Advisor – see guidance on [Health Issues of Security Concerns](#).

#### **Loss of Capability**

127. If attendance or performance has been impacted as a result of the job holder becoming permanently unable to carry out the full range of duties required in their current role, managers should refer to the Managing Loss of Capability and Qualification policy and seek advice from the DBS Casework Service.

### **Sickness absence during annual leave**

128. If an employee is ill whilst on annual leave, they can choose whether to have the days which they are unwell treated as annual leave or sickness absence.
129. If an employee chooses to have them treated as sickness absence, they must notify their manager on the first day of their sickness, keeping in touch and providing medical evidence when required in exactly the same way as if they were not on annual leave. Annual leave cannot be converted to sickness absence retrospectively.
130. If circumstances such as being abroad prevent the employee from notifying their manager on the first day of illness, they must obtain documentary evidence of their incapacity from a local medical practitioner. A Fit Note supplied retrospectively by an employee's own doctor cannot be accepted as proof of incapacity whilst abroad.
131. No deduction should be made from the employee's annual leave entitlement from the period covered by medical evidence. This means the annual leave can be taken at another time.
132. The sickness absence should be recorded on HRMS.

### **Annual leave during sickness absence**

133. An employee can take annual leave during a period of sickness absence. They should submit their request for annual leave to their manager, in advance, in the normal way.
134. This means an employee will receive full pay for any annual leave taken regardless of their entitlement to sick pay.
135. The annual leave does not break the total length of the sickness absence. The annual leave and sickness absence will run concurrently and the period of sickness absence will count towards the Absence Review Point and for half/nil sick pay calculations.
136. The annual leave should be recorded on HRMS. If the employee had been absent outside of the period being taken as leave, this time should be recorded as sickness absence on HRMS in the usual way.

### **Disability related absence**

137. Disability Leave is a form of paid special leave that may be offered as a reasonable adjustment under the Equality Act 2010.
138. There may be some cases where an employee with a disability is fit to work but is not able to work safely or effectively until reasonable adjustments are put in place. The manager should discuss with the employee whether any temporary changes would enable them to continue to work while the adjustments are implemented. Where temporary changes have been considered but not deemed sufficiently effective, Disability Leave may be applied until the adjustments are implemented.
139. The manager should not apply Disability Leave if the employee is absent because they are not fit for work. Disability Leave does not cover period of sickness absence,

whether or not the ill health is directly related to the employee's disability. Disability Leave does not cover periods of hospitalisation or recovery.

140. Disability Leave is recorded separately to sickness absence and does not count towards the Absence Review Point or sick pay calculations.

### **Health-related absences including appointments, therapy, counselling, surgery and recovery time**

141. Employees may occasionally need to take time off from work to deal with health-related issues. For example:

- To attend doctors/dentists/hospital appointments.
- To receive treatment locally, for example kidney dialysis, or infertility treatment.
- Rehabilitation after an injury, for example physiotherapy, or hydrotherapy.
- Where the employee has medical advice that they should not be at work following contact with a notifiable communicable disease.

142. Where possible, employees should attend appointments in their own time. If they are unable to do so, they should try to minimise any disruption to the business, for example by attending appointments at the beginning or the end of the day. The employee should give their manager as much notice as possible and provide evidence of their appointment time, if requested.

143. Where the employee has been unable to arrange an appointment in their own time, the manager can consider giving the employee paid time off, such as a flexi credit, for reasonable health-related appointments.

144. The manager can consider awarding Special Leave to enable employees to attend personal medical appointments where the employee has no flexibility about the timing. Paid time off or Special Leave should only be given where the employee would otherwise be fit to attend work. If the employee is unfit to attend work, the absence is recorded as sickness absence.

145. Time to attend appointments, therapy or counselling may also be considered as a reasonable adjustment for some conditions. The RAST can advise.

### **Absence in relation to gender reassignment**

146. Absence in relation to gender reassignment can be categorised as either Paid Special Leave or sickness absence. It enables employees to take time off to attend appointments or undertake treatments relating to gender reassignment.

147. Paid Special Leave should be considered if the employee is fit for work but needs time off for appointments related to their gender reassignment.

148. Sickness absence should only be recorded where an employee is unfit for work, e.g. following surgery or other treatments.

149. The manager should meet the employee to discuss timeframes and any help that may be required. The manager should not take formal action when an employee

reaches the Absence Review Point if the sickness absence is in relation to gender reassignment.

150. The manager should carry out an informal discussion if sickness absence for gender reassignment lasts, or is likely to last, more than three months and refer to Occupational Health as appropriate.

### **Absence in relation to being a carer, parent or guardian**

151. Employees who are absent so that they can care for a dependent who is ill should not have their absence recorded as sickness absence, and should follow the procedure for applying for Special Paid Leave or Unpaid Parental Leave. If you are a carer, parent or guardian, more information can be found in the Supporting Attendance Gateway.

### **Third party claims**

152. In line with Chapter 9 of the Civil Service Management Code, employees should include an amount for loss of earnings where they make a claim for damages against a third party. Departments should provide an advance of salary where appropriate and require staff to repay proportionately the advance where the claim for damages is wholly or partly successful. Departments must also ensure that where all or part of the advance is repaid, a period representing the repaid advance does not reckon towards the Absence Review Point of the department's sickness absence scheme.

### **Glossary**

153. **Absence Review Point.** Absence level that reaches 9 working days (pro-rata for part-time workers) in a rolling 12 month period. As a reasonable adjustment, some employees with a disability may have a separate Absence Review Point.
154. **Appeal Manager.** The person who determines the outcome of an appeal against a Formal Written Improvement Warning or against dismissal. They are required to be at least one grade higher than the manager who made the original decision and have had no previous involvement in the case
155. **Case Conferences.** These are meetings attended by the line manager, Countersigning Officer and a DBC Caseworker. They should happen at 2 months into a period of continuous absence and every month thereafter. They can often be light-touch and short meetings but having them regularly is important and reassuring.
156. **Countersigning officer (CSO).** CSOs, in addition to the line manager, receive notifications when Absence Review Points have been reached, and will provide support and advice to the line manager when supporting and managing attendance. They attend the Case Conferences
157. **Continuous absence.** Absences that reach 14 consecutive calendar days.
158. **Decision manager.** The person who chairs the Formal Attendance Hearing and takes the decision on dismissal or downgrading. They are required to be at least C1 grade/military equivalent and at least one grade higher than the employee
159. **Disability.** A physical or mental impairment that has a substantial and long term negative effect on your ability to do normal daily activities.

160. **Fit for Work Plan.** A time-bound period when an employee returns to work part-time and gradually increases their hours up to full-time. A Fit for Work Plan should last no longer than 8 weeks. It is an example of a Temporary Adaptation that enables an employee to continue working or return work while they recover.
161. **Fit Note.** Issued by doctors to provide evidence of the advice they have given about an employee's fitness for work.
162. **Formal action.** The process of following the procedures outlined in this document when the Absence Review Point has been reached.
163. **Formal Attendance Hearing.** A meeting with the decision manager and employee when dismissal or downgrading is being considered.
164. **Formal Attendance Review Meeting.** A discussion between the manager and employee that should be held when the Absence Review Point has been reached.
165. **Formal Continuous Absence Review Meeting.** Periodic review meetings held between the manager and the employee during continuous sickness absence, held at 28 days from the start of the continuous absence period and every 3 months thereafter
166. **Informal discussion.** A discussion between the manager and employee with a focus on supporting the employee to maintain a satisfactory level of attendance without initiating formal procedures.
167. **Line manager discretion.** Line managers can use their discretion to not progress formal action, based on all the information available to them and the circumstances of the case. For example, managers can use their discretion to not issue a Written Improvement Warning following a sickness absence that is uncharacteristic for the employee. There are some types of absence – for example, those in relation to pregnancy – which are protected by law and where, when absence is in relation to, formal action must not be progressed.
168. **Line manager.** A person with direct management responsibility for an employee. The line manager is primarily responsible for supporting an employee when they are absent from work and when they return to work.
169. **Reasonable adjustments (otherwise referred to as workplace adjustments).** A change to a policy, working arrangement or providing equipment to allow people to work productively. Reasonable/workplace adjustments remove or attempt to minimise barriers or disadvantages to people with a disability, or people who require additional help to stay in work, or come back to work after a period of sickness absence.
170. **Temporary adaptations.** A short-term change to the way an employee does their job, to help them to continue working or return to work while they recover. Temporary Adaptations are expected to be in place no longer than a few weeks.
171. **Work-focused approach.** Helping employees who are ill or injured to attend work if they are well enough to do so.



[Link to Model Letters](#)

Letter 1 – Invitation to a Formal Attendance Review Meeting

Letter 2 – Outcome of a Formal Attendance Review Meeting - “First” or “Final” Written Improvement Warning Given

Letter 3 – Outcome of a Formal Attendance Review Meeting - No Further Action Taken

Letter 4 – Outcome of a Formal Attendance Review Meeting – No Further Action Taken (If already received first written improvement warning)

Letter 5 – Attendance is Satisfactory After an Improvement Period

Letter 6 – Invitation to a Formal Attendance Review Meeting for Reaching the Absence Review Point after a First Written Improvement Warning

Letter 7 – Invitation to a Continuous Absence Review Meeting

Letter 8 – Outcome of a Formal Continuous Absence Review Meeting – “Formal Action Being Progressed” (To be sent by Line Manager)

Letter 9 – Outcome of a Formal Continuous Absence Review Meeting – No Further Action (To be sent by Line Manager)

Letter 10 – Invitation to Formal Attendance Hearing (To be sent by Line Manager)

Letter 11 - Outcome of Formal Attendance Hearing – No Further Action (To be sent by the Decision Manager)

Letter 12 – Downgrading Letter (To be sent by the Decision Manager)

Letter 13 – Decision to Dismiss (To be sent by the Decision Manager)

Letter 14 – Invitation to Meet with the Appeal Manager (To be sent by the Appeal Manager)

Letter 15 – Appeal Manager’s Decision (To be sent by the Appeal Manager)

**MUA Letter 01: Managing Unsatisfactory Attendance - Invitation to a Formal  
Managing Unsatisfactory Attendance Meeting**



OFFICIAL – SENSITIVE PERSONAL (when completed)

MUA Letter 01

**Tel:**

**Reference:**

**Email:**

**Staff Number:**

**Date:**

**INVITATION TO A FORMAL MANAGING UNSATISFACTORY ATTENDANCE MEETING**

Dear

You have been absent for. This means you have exceeded your Trigger Point of 8 days and I must now consider whether any formal action is appropriate.

I would like to meet with you on A note taker will be present to record what we discuss.

The Managing Unsatisfactory Attendance procedure is designed to help you to bring your attendance up to the expected standard and I will give you the opportunity at the meeting to discuss any problems which may be affecting your attendance. I will also explain what help and support is available, which may involve making temporary workplace adaptations or reasonable adjustments to help you return to a satisfactory level of attendance.

One of the purposes of the meeting is to enable me to consider whether to give you a Written Improvement Warning. I will also consider whether any of the reasons for not issuing one apply in your circumstances. Following our meeting, I will decide whether or not you should be given a Written Improvement Warning. I must remind you that if I do this and your attendance level does not improve within the specified timescale, your employment with the Department could be affected.

I will let you know what further action will be taken within 5 working days of our meeting.

If you need me to make any special arrangements or if you have any particular accommodation requirements to enable you to attend the meeting, please let me know as soon as possible or at least three working days prior to the meeting.

You have a statutory right to be accompanied at the meeting by a companion. A chosen companion may be a work colleague, a trade union representative or an official employed by a

OFFICIAL – SENSITIVE PERSONAL (when completed)

trade union. A trade union representative who is not an employed official must have been accredited by their trade union as competent to accompany an employee. The companion cannot be a friend or relative unless they are also a work colleague. Neither can they be a legal representative.

Please notify me in advance of the meeting of who will be accompanying you. If you or your companion cannot attend on this day then you should contact me and ask for the meeting to be rearranged. Please note that any new meeting must take place within five days of the original date and that the meeting may only be rearranged once.

You may wish to discuss the situation with the Employee Wellbeing Service. Their helpline number is 0800 345 7047 (STD) / 93345 7047 (Mil) or e-mail [welfare@dbs.mod.uk](mailto:welfare@dbs.mod.uk).

It will help you to read the 'Attendance Management and Managing Unsatisfactory Attendance Policies and Procedures' before we meet, as it will help you to understand the possible courses of action and next steps. I have enclosed a copy of these documents with this letter

Yours sincerely

**MUA Letter 02: Outcome of a Formal Managing Poor Attendance Meeting – First or Final Written Improvement Warning Given**



OFFICIAL – SENSITIVE PERSONAL (when completed)

MUA Letter 02

Addressee's Name  
1<sup>st</sup> Line of Address  
2<sup>nd</sup> Line of Address  
Town/City  
Postcode

First Name and Surname  
Job Title  
1st Line of Address  
2nd Line of Address  
Town/City  
Postcode

Tel: 0000 00000 (Mil)  
00000 000000 (Std)  
+44 (0)0000000000(Overseas)

**Reference:**

**Email:**

**Staff Number:**

**Date:**

**OUTCOME OF A FORMAL MANAGING UNSATISFACTORY ATTENDANCE MEETING –  
\*FIRST OR \*FINAL WRITTEN IMPROVEMENT WARNING GIVEN**

Dear Name

Thank you for meeting me on **(date)** to discuss your level of sickness absence. This letter summarises our discussion and tells you what could happen if you do not meet the attendance standards expected of you within the time limits I have described.

We discussed the following: (\*Include as appropriate)

- **any agreed action and progress**
- **any agreed reasonable adjustment or temporary workplace adaptation**
- **any medical or other factors preventing the employee from returning to work**
- **whether you have asked the employee to speak to their GP about the advice and support they can provide**

**(Please insert Paragraph A, B, C or D as appropriate)**

You have the right to appeal against this decision. If you choose to appeal, you should write to **(name of person considering the appeal)** at **(location)** within 10 working days of receiving the written decision. You should clearly state the grounds of appeal and the outcome you are seeking. **(Name of the person considering the appeal)** will arrange a meeting with you within 5 working days of receipt of your appeal.

Yours sincerely

Name

(\* Insert / Delete as appropriate)

(\*Paragraph A – include if the employee agreed to an Occupational Health referral)

You agreed to be referred to Occupational Health. I will take this forward and keep you informed of the progress. I will let you know the outcome of the Occupational Health referral and how this will affect you.

(\*Paragraph B – include if the employee did not agree to an Occupational Health referral)

I explained that as you did not give your consent to be referred to Occupational Health decisions will be made without Occupational Health advice.

(\*Paragraphs C – include if a first Written Improvement Warning is given)

I have decided to give you a first Written Improvement Warning and will monitor your attendance for **(x months)** from **(date of letter)** to **(date x months later)**. This is called the Improvement Period. If your attendance is unsatisfactory at any time in the Improvement Period, your case will be considered again and I may give you a Final Written Improvement Warning. Your attendance will be unsatisfactory if your absences reach **(insert the standard expected of the employee)** days during the Improvement Period.

If your attendance is satisfactory during the Improvement Period, your attendance will be monitored for further 12 months. This is called the Sustained Improvement Period. If your attendance becomes unsatisfactory again during the Sustained Improvement Period, you may be given a final Written Improvement Warning.

(\*Paragraphs D – include if a final Written Improvement Warning is given)

I have decided to give you a final Written Improvement Warning and will monitor your attendance for **(x months)** from **(date of letter)** to **(date x months later)**. This is called the Improvement Period. If your attendance is unacceptable at any time in the Improvement Period, you may be dismissed or downgraded. Your attendance will be unsatisfactory if your absences reach **(insert the standard expected of the employee)** days during the Improvement Period.

If your attendance is satisfactory during the Final Written Improvement Warning Improvement Period, your attendance will be monitored for further 12 months. This is called the Sustained Improvement Period. If your attendance becomes unsatisfactory again during the Sustained Improvement Period, you may be dismissed or downgraded.

**MUA Letter 05: Invitation to a Formal Managing Poor Attendance Meeting Following  
First/Final Written Improvement Warning - Attendance is Unsatisfactory**



Ministry  
of Defence

OFFICIAL – SENSITIVE PERSONAL (when completed)

MUA Letter 05

Addressee's Name  
1st Line of Address  
2nd Line of Address  
Town/City  
Postcode

First Name and Surname  
Job Title  
1st Line of Address  
2nd Line of Address  
Town/City  
Postcode

Tel: 0000 00000 (Mil)  
00000 000000 (Std)  
+44 (0)0000000000(Overseas)

**Reference:**

**Email:**

**Staff Number:**

**Date:**

**INVITATION TO A FORMAL MANAGING UNSATISFACTORY ATTENDANCE MEETING  
FOLLOWING \*FIRST / \*FINAL WRITTEN IMPROVEMENT WARNING – ATTENDANCE IS  
UNSATISFACTORY**

Dear Name

(\*Insert paragraph A B C or D)

I would like to meet with you on **(date)** at **(time)** at **(location)** because you have been absent for **(insert number)** days during the **(\*Improvement Period/\*Sustained Improvement Period)**. This means you have not met the standard attendance expected of you during this period. A note taker will be present to record what we discuss.

You have a statutory right to be accompanied at the meeting by a companion. A chosen companion may be a work colleague, a trade union representative or an official employed by a trade union. A trade union representative who is not an employed official must have been accredited by their trade union as competent to accompany an employee. The companion cannot be a friend or relative unless they are also a work colleague. Neither can they be a legal representative.

You may want to discuss the situation with the Employee Wellbeing Service. Their helpline number is 0800 345 7047 (STD) / 93345 7047 (Mil) or e-mail [welfare@db.mod.uk](mailto:welfare@db.mod.uk).

If you need me to make any special arrangements or if you have any particular accommodation requirements to enable you to attend the meeting please let me know as soon as possible.

I may refer you to Occupational Health with your consent. Occupational Health specialise in giving advice on preventing or resolving health-related problems which affect your ability to attend work or do your job.

OFFICIAL – SENSITIVE PERSONAL (when completed)

The Managing Unsatisfactory Attendance Procedure is designed to help you to bring your attendance up to the expected standard and I will give you the opportunity at the meeting to discuss any problems which may be affecting your attendance. I will also explain what help and support is available. However, I must remind you that your employment with the Department could be affected if your attendance remains unacceptable.

I will let you know what further action will be taken within 5 working days of the meeting. It will help you to read the Managing Unsatisfactory Attendance Policy and Procedure before we meet. I have enclosed a copy of these documents with this letter (along with the following)(delete as appropriate)

(Insert details of any additional documents or delete as appropriate).

Yours sincerely

Name

**\* Insert or Delete as appropriate**

(\***Paragraph A** – insert if attendance is unsatisfactory during Improvement Period)

You were given a first Written Improvement Warning on **(date)** because your level of sickness absence was unsatisfactory. I advised you that I would continue to monitor your attendance from **(date Written Improvement Warning given)** to **(date of end of Improvement Period)** and that, if your level of sickness absence was unsatisfactory during this period, you might be given a final Written Improvement Warning.

(\***Paragraph B** – insert if attendance is unsatisfactory during Sustained Improvement Period)

You were given a first Written Improvement Warning on **(date)** because your level of sickness absence was unsatisfactory. Your attendance was satisfactory during the Improvement Period which ended on **(date)**. I told you that I would continue to monitor your attendance during the Sustained Improvement Period and that if your level of sickness absence was unsatisfactory during this period, you might be given a final Written Improvement Warning.

(\***Paragraph C** – insert if attendance is unsatisfactory during Improvement Period)

You were given a final Written Improvement Warning on **(date)** because your level of sickness absence was unsatisfactory. I advised you that I would continue to monitor your attendance from **(date Written Improvement Warning given)** to **(date of end of Improvement Period)** and that, if your level of sickness absence was unsatisfactory during this period, I would consider whether you should be dismissed or downgraded or whether your level of sickness absence should continue to be supported at this time.

(\***Paragraph D** – insert if attendance is unsatisfactory during Sustained Improvement Period)

You were given a final Written Improvement Warning on **(date)** because your level of sickness absence was unsatisfactory. Your attendance was satisfactory during the Improvement Period which ended on **(date)**. I advised you that I would continue to monitor your attendance during the Sustained Improvement Period and that if your level of sickness absence was

OFFICIAL – SENSITIVE PERSONAL (when completed)

unsatisfactory during this period, I would consider whether you should be dismissed or downgraded or whether your level of sickness absence should continue to be supported at this time.



**MUA Letter 06: Managing Poor Attendance - Invitation to Final Decision Meeting**



OFFICIAL – SENSITIVE PERSONAL (when completed)

MUA Letter 06

Addressee's Name  
1st Line of Address  
2nd Line of Address  
Town/City  
Postcode

First Name and Surname  
Job Title  
1st Line of Address  
2nd Line of Address  
Town/City  
Postcode

**Tel:** 0000 00000 (Mil)  
00000 000000 (Std)  
+44 (0)0000000000(Overseas)

**Reference:**

**Email:**

**Staff Number:**

**Date:**

**MANAGING UNSATISFACTORY ATTENDANCE INVITATION TO FINAL DECISION MEETING**

Dear Name

I wrote to you on **(date)** about your level of sickness absence informing you that I would consider whether you should be dismissed or downgraded, or whether your sickness absence level should continue to be supported at this time **(amend as appropriate)**.

Before a decision is made on this matter, you have the opportunity to give any further information that may assist the decision manager in reaching a decision. The Decision Manager will be **(Decision Manager's details)**, and would like to meet you on **(date and time – a minimum of five working days notice from the date of this letter must be given)** at **(location)**. You can provide written details before the meeting if you wish.

You have a statutory right to be accompanied at the meeting by a companion. A chosen companion may be a work colleague, a trade union representative or an official employed by a trade union. A trade union representative who is not an employed official must have been accredited by their trade union as competent to accompany an employee. The companion cannot be a friend or relative unless they are also a work colleague. Neither can they be a legal representative.

Please notify me in advance of the meeting of who will be accompanying you. If you or your companion cannot attend on this day then you should contact me and ask for the meeting to be rearranged. Please note that any new meeting must take place within five days of the original date. A DBS Caseworker will be present at the meeting to provide advice on Managing Unsatisfactory Attendance procedures. **(Name of note taker)** will be present as a note taker.

OFFICIAL – SENSITIVE PERSONAL (when completed)

Please let me know as soon as possible before the meeting if you need any special arrangements or if you need any particular accommodation arrangements to enable you to attend the meeting.

Following the meeting, the Decision Manager will consider your comments and all the relevant information and send you their decision in writing within 5 working days.

I recommend that you read the Managing Unsatisfactory Attendance policy and procedures before the meeting. I enclose copies of **(insert names of any relevant documents attached to this letter)** which will be referred to at the meeting.

Yours sincerely

Name

**MUA Letter 08: Managing Poor Attendance – Decision to Dismiss**



OFFICIAL – SENSITIVE PERSONAL (when completed)

MUA Letter 08

Addressee's Name  
1st Line of Address  
2nd Line of Address  
Town/City  
Postcode

First Name and Surname  
Job Title  
1st Line of Address  
2nd Line of Address  
Town/City  
Postcode

Tel: 0000 00000 (Mil)  
00000 000000 (Std)  
+44 (0)0000000000(Overseas)

**Reference:**

**Email:**

**Staff Number:**

**Date:**

**MANAGING UNSATISFACTORY ATTENDANCE – DECISION TO DISMISS**

Dear Name

I am writing to tell you that following our meeting on **(insert date)**; I have made a decision about your employment with the Department.

**(Insert brief history of absence).**

I have carefully considered all the information including: (\*Delete as appropriate)

- **Occupational Health advice and/or GP advice**
- **the employee's representations**
- **the support the employee has received to help them meet the attendance standard/return to work including any temporary workplace adaptations and/or reasonable adjustments**

After considering all the relevant factors, I have decided that your employment with the Department must be terminated because you **(\*have failed to maintain an acceptable level of attendance/\*have been unable to return to work within a timescale that I consider reasonable)**

**(Insert Paragraph A or B)**

You have the right to appeal against the dismissal decision. If you choose to appeal, you should write to **(name of person considering the appeal)** at **(location)** within 10 working days of receiving this written decision. You should clearly state the grounds of appeal and the outcome you are seeking. **(Name of person considering the appeal)** will arrange a meeting with you within 5 working days of receipt of the appeal letter. In preparing your appeal, you

have the right to be assisted by a companion of your choice. A chosen companion may be a work colleague, a trade union representative or an official employed by a trade union. A trade union representative who is not an employed official must have been accredited by their trade union as competent to accompany an employee. The companion cannot be a friend or relative unless they are also a work colleague. Neither can they be a legal representative.

You have the right to appeal to the Civil Service Appeal Board (CSAB) against the level of compensation awarded. Any appeal against the level of compensation awarded should be submitted within 21 days of the effective date of dismissal.

A copy of the notes of our meeting is enclosed. If you have any comments on these please provide them in writing to the Appeal Manager together with your appeal. If they have not heard from you by **(insert date)** then the meeting record will be taken to be agreed.

**\*Delete / Insert as appropriate**

**(\*Use paragraph A if the employee has to work their notice period)**

**(\*Use paragraph B if the employee is not required to work their notice period)**

**(\*Paragraph A)**

A Civil Servant is entitled to notice as set out in the Civil Service Management Code. The extent of that notice is determined by your length of service. You are entitled to **(number of weeks)** weeks' notice and you are dismissed with effect from **(date - end of notice period)**. I have considered payment of compensation in line with [Cabinet Office Guidance – Efficiency Compensation 2016](#) and have decided (\*not to/to (must state the level percentage (0%-100%)if awarded)) award you compensation on efficiency grounds. This reflects the efforts you have made to improve your level of attendance. **(If less than 100% compensation is to be paid, explain why as fully as you can, giving specific details of how the employee has not done as much as they could have done to improve their attendance).**

If you are sick during the notice period, you must submit medical certificates to cover your absence up until your last day of service, or you will not be paid.

**(\*Paragraph B)**

A Civil Servant is entitled to notice as set out in the Civil Service Management Code. The extent of that notice is determined by your length of service. You are therefore entitled to **(number of weeks)** weeks' notice. However, after discussion with you we have agreed that you are not required to work your notice period. Provided that you were not on a nil rate of pay immediately prior to your dismissal you will be entitled to a payment, as Compensation In Lieu Of your unworked Notice (CILON). The CILON payment will be paid at the rate of pay you were receiving immediately prior to your dismissal.

Please note that if you have an ongoing medical retirement appeal you will receive part of the discretionary compensation payment lump sum equal to the lump sum you would have received on Ill Health Retirement. If your appeal should fail then you will be paid the balance of the lump sum. If your appeal is successful approval will be sought to set off the discretionary compensation benefits against your Ill Health Retirement benefits.

Yours sincerely

Name