Absence Management Guidance - Chair of Final Stage Review

Click on the section you require, you will be taken directly to the correct section of this document

Contents

Familiarise yourself with the Policy 2
Availability and conflict of interest 2
Familiarise yourself with the case 2
Confidentiality 2
Arranging the meeting 2
Invite the employee to the meeting 3
Role of the companion 3
Invite the manager who issued the formal final written warning to the meeting 4
Prepare for the meeting 4
Employee requests to rearrange the meeting or fail to attend 4
Employee raises a grievance during the process 5
The Meeting – Process 5
Panel responsibilities and possible outcomes 6
Agreeing the notes of the meeting 7
Confirming the outcome of the meeting 8
The employee appeals the decision 8
Data protection and Subject Access Request requirements 8
Setting up and hosting meetings and hearings remotely 9
Letter templates 9

Action	Supporting Information
Familiarise yourself with the Policy	This guidance must be read in conjunction with the Absence Management Policy.
Confirm that you are **available** to be the Chair and that you have no **conflict of interest** in the case	You need to be available to chair the final stage review, deal with the subsequent paperwork and potentially be available for an appeal. If you are scheduled to be away on leave or at events etc. over the next 1-6 weeks, discuss with the HR Case Manager supporting the case if you can manage the final stage review, or whether you need to deputise this task to an alternative manager. Check that you do not have any conflicts of interest that would prevent you chairing the review meeting and reaching a decision objectively. If you do have a conflict advise the HR Case Manager supporting the case at the earliest opportunity. Check the Conflict of Interest Policy for guidance.
Familiarise yourself with the circumstances leading to the final stage review	Having agreed you are available and there is no conflict of interest, the HR Case Manager supporting you will send you the 'case' documentation. Make sure you go through all documents thoroughly and highlight any areas where you want to find out more or have queries. Consider what questions you have for the employee. Make sure you are familiar with the Absence Management Policy, particularly section 9.3 (Final Stage Review).
Confidentiality	You must at all times be mindful of the sensitive and personal nature of the information you will have access to in order to familiarise yourself with the case. This information is classed as a "special category" of personal information. It is legitimately justified that this is shared with you as per the University's Privacy Notice for Staff, as we are required to be able to support staff at work, manage their attendance, carry out our obligations relating to Statutory Sick Pay and assess their capacity to work. You must not disclose any of the personal information you are privy to, beyond those involved in advising on and/or supporting you in managing the case.
Agree a **date for the meeting and arrange suitable venue**	One or two other managers need to be appointed to the panel, depending on the nature of the case. They may be appointed by you or you may ask the HR Case Manager supporting the case for help in identifying appropriate panel members. As this meeting may result in dismissal, you may prefer to have an HR Case Manager present at the meeting in an advisory capacity. Speak to the HR Case Manager supporting the case to request this, if you deem it necessary. Ask your HR Case Manager to contact the HR Business Support team who will allocate a note taker to support you.

	Agree a date with other panel member(s), HR Case Manager (if applicable) and note taker. The employee will need at least one calendar week's notice of the meeting. Arrange a suitable venue where the discussion can't be overheard, won't be disturbed/interrupted and noise is minimal. Find somewhere where there is an adjoining room or waiting area where the employee (and their companion if they have one) can wait during the meeting adjournment. Alternatively, you may need/wish to conduct the meeting online via Microsoft Teams, for example. If so, see section below on 'Setting up and hosting meetings and hearings remotely' for more information.
Invite the employee to the meeting	Write to/email the employee using the appropriate Attendance Review Invite template letter (which you can obtain from your HR Case Manager) and **include any documents with the invitation which you will refer to in the meeting**, such as a copy of the employee's previous outcome letter, attendance record, RTW forms etc. You must invite the employee in writing giving at least one calendar week's notice. The employee must provide you with any documents which they wish to use to support their case, at least three working days before the meeting. As advised in the invite letter/email, the employee should let you know if they need any specific adjustment(s) for the meeting e.g. if they need a hearing loop. You must organise any adjustments requested or seek advice from the HR Case Manager supporting the case.
Role of the companion	The invite template will advise the employee of their right to be accompanied at the meeting, normally by a trade union representative or workplace colleague. A companion may also be someone to support the employee if they have particular needs. For example, if the employee has a disability, we have a duty to consider reasonable adjustments, or they may need help if English is not their first language. This companion may be in addition to a TU representative or workplace colleague. Therefore, in some circumstances the employee may have more than one companion. The companion cannot be a lawyer. A family member cannot act as a companion unless this is deemed to be a reasonable adjustment e.g. a family member is experienced in managing the employee's disability. The employee must tell you in advance of the meeting if they are bringing a companion/companions, and who this is. A companion can set out the employee's case, sum up the employee's case, respond on the employee's behalf to any views expressed during the hearing, speak to the employee and take notes. **The companion should not answer questions on behalf of the employee.**

Invite the manager who issued the formal final written warning to the meeting	The manager who issued the final written warning must attend the Final Stage Review so that they can provide clarity on any points leading up to this stage. They will also have comprehensive knowledge of the employee's attendance record and steps taken to support the employee in improving their attendance to date.
Prepare for the meeting	It can be helpful to meet the note taker in advance to give them any useful information which will help them when taking notes e.g. it might help them to be familiar with names, job titles, acronyms, technical terminology etc. that are likely to be discussed. Liaise with the note taker to arrange a suitable time to brief them. Alternatively provide the note taker with a written summary of the key details of the case e.g. names, job titles, terminology etc. There is guidance available for note takers, which you should direct them to. Ensure the note taker and all other participants understand the confidential/sensitive nature of the meeting, and their responsibility to maintain confidentiality. Think about what you want to find out at the meeting and prepare any questions you want to ask the employee. If you receive any new information from the employee that they want you to be aware of ahead of the meeting, you must make sure it is passed to the other members of the panel and the HR Case Manager if they will be attending the meeting. Arrange a pre-meeting with the other panel member(s) to agree how the meeting will proceed and who will ask what questions. This can be immediately before the meeting if an alternative time cannot be found.
Employee may request to **rearrange the meeting** or fail to attend on an agreed date	The employee may request to rearrange the meeting so that they or their companion can attend. The employee must make this request to you, including proposing an alternative date/time, normally within one week of the original date. If possible, the new date proposed by the employee should be agreed in the first instance. If the proposed date can't be accommodated, suggest another date that all parties can attend as long as it will not cause any undue delay. The employee should make themselves available wherever possible but there may be some appointments they cannot reschedule e.g. if they are timetabled to teach or have another meeting which cannot be moved If a **companion** cannot attend on a rescheduled date and no suitable alternative time can be found, you should advise the employee to find someone else to act as their companion.

	If the employee has not attended the meeting as expected, **find out the reason**. Liaise with the HR Case Manager supporting the case about how to proceed. It's only fair that an employee be given the chance to put forward their side of the case in order for a decision to be made on appropriate action, particularly if circumstances are complex. **You must reschedule a meeting at least once**. It may be necessary to reschedule on further occasions depending on the circumstances. If you, in conjunction with the HR Case Manager supporting the case, determine that there is no good reason for **repeated non-attendance or no realistic prospect of the employee attending,** you may proceed in the employee's absence. However, as it is helpful to have a written statement from them that can be considered if they are not there, you must make every effort to obtain this in advance of proceeding.
If the employee raises a **grievance** during the process contact the HR Case Manager supporting the case	You do not necessarily have to halt the process if the employee raises a grievance. You must however discuss this with the HR Case Manager supporting the case and agree on how best to proceed in the circumstances.
The Meeting – Process	If the employee has a companion with them, they can take notes, set out the employee's case and speak to the employee during the meeting. The employee or companion may request an adjournment at any time during the meeting to discuss matters in private. The companion cannot answer questions on behalf of the employee. Make introductions. If the employee does not have a companion with them, reiterate that they were informed of their right to be accompanied and check they have chosen not to. This should be noted by the note taker. Ask everyone to turn off any electronic devices and remind them that the meeting cannot be recorded. If the employee requests to electronically record the meeting, explain that this is not allowed but they will be provided with meeting notes. They may also wish to make their own notes which is acceptable. Explain what will happen during the meeting. The meeting will normally follow this structure: • You will summarise your concerns and observations regarding the employee's attendance record and the actions taken to this point • You will ask the employee to summarise the current state of their health, to provide any details of treatment or support they have received and how this is progressing • You may ask the employee to explain any patterns or trends in their absences that have been identified • You will ask the employee to offer their views on support previously offered and/or provided and ask for any suggestions as to what else might be helpful to them in improving their

	attendance at work, and whether they feel an improvement is likely/possible • You will discuss whether there are any underlying health conditions or disabilities which have/are contributing to their absences, how these conditions/disabilities impact on their ability to work and what could be put in place to help reduce the impact of their health on their ability to attend work. • You will discuss any advice and information received from OHS • You will ask the manager who issued the final written warning for any further comments they may wish to add – given their knowledge of the employee's attendance history and the support offered up to this point • The meeting will be adjourned (see 'During the adjournment' section below) The employee should be asked to wait in another area (with their companion if they have one) while you consider the information gathered and reach a conclusion • The employee is called back to the meeting • The employee is advised of the outcome, and if they are dismissed, they must be told of their right to appeal. The employee is advised that the outcome will be confirmed in writing • Meeting ends If the outcome is immediate **dismissal** the employee must be discretely accompanied out of the building and their pass, keys and any other appropriate items collected, or agreement reached on how belongings will be collected from or passed to them. Agree who will do this during the adjournment. Ensure the employee's manager is informed at the earliest opportunity of the decision to dismiss the employee. Agree whether you or the HR Case Manager supporting the case will advise them.
Panel responsibilities and possible outcomes	During the **adjournment** the panel must decide what outcome is appropriate based on the information provided by the employee in response to your concerns, prospect of a sustained improvement in attendance, actions they are taking to improve their health and attendance, current warnings etc. The panel should reach a decision collectively. You must take due time to consider the information gathered during the review meeting. However, an adjournment should **not be for an extended period** and you should reach a decision as soon as practicably possible. It will be stressful for the employee waiting to know the outcome. Once a decision has been reached, you must reconvene the meeting and deliver the outcome verbally, explaining that it will also be confirmed in writing and informing the employee of their right to appeal (if they are dismissed). If you need more time because there is a lot to consider or you need clarification on any issues e.g. procedural or OHS advice, you can advise

	the employee that you require more time to reach a decision and they will be notified of the outcome in writing and when you will do so. The possible **outcomes** of a final stage review are: • **No formal action** – you instruct the employee's line manager to continue to monitor the employee's attendance levels under stage 2 of the Absence Management procedure. The final warning previously issued at the Stage 2 Review meeting remains on file until its expiry at the end of the original two year warning period. • **Recommendations may be made, in addition to any sanction short of dismissal**. These may include: o **Reasonable adjustments** – either short or long-term, to help the employee to improve and sustain their attendance. Please refer to the Reasonable Adjustments Policy for further information. o **Further medical advice to be sought** – refer back to the employee's line manager to submit a further Management Referral to OHS In either case, it must be made clear to the employee what level of attendance is required from them in the future, in order to avoid further formal action. • **Dismissal** – the employee is dismissed for poor attendance. The dismissal takes effect immediately. **Discuss this with the HR Case Manager supporting the case prior to delivering this decision to ensure all considerations have been made and any risks have been appropriately assessed**, and to clarify whether pay in lieu of notice applies if the dismissal proceeds. You must inform the employee's line manager of the outcome as soon as practicably possible.
Agree the notes of the meeting	The note taker will send you a draft set of the notes of the meeting, normally within two calendar days of the meeting. You may amend them if there are any details that have not been recorded accurately e.g. spelling, terminology or where key details have been missed. You cannot change the substance of what a person said during the meeting, including your own comments. If possible, you should send the notes with the letter confirming the outcome of the meeting. Alternatively agree with the HR Case Manager supporting the case if they are to be sent separately and by whom.

Write to the employee confirming the outcome of the meeting	You must write to the employee within **one calendar week** of the meeting confirming the outcome. Use the appropriate Attendance Review Outcome template letter which you can obtain from the HR Case Manager supporting the case. Once issued to the employee, you must also send a copy to the employee's manager and the HR Case Manager, who will upload it to the employee's digital file and update the case management tracker.
Attend the **appeal hearing** if applicable	If the employee appeals the decision, you will need to attend the appeal hearing. You will be provided with the grounds of appeal. You must ensure you familiarise yourself with the case again. On the day of the appeal hearing, make sure you have the relevant documentation and notes with you. You will need to explain how the panel reached its decision to dismiss the employee. The appeal panel and the employee will ask you questions. Please note however, it is not a re-hearing of the case.
Be aware of **Data protection** and **Subject Access Request** requirements	Information relating to the management of an employee's absence from work must be held in line with the University's Retention Schedule. This includes all email correspondence as well as all formal letters and sanctions. Remember that an employee may make a subject access request (SAR) to see information about their case which will include any emails between you and HR or any other person you raise the case with. Therefore, it is vital any written notes or records made about the case are factual, considered and professional, noting only relevant information, and saved to the employee's digital file – therefore, please provide your HR Case Manager with all notes and records on conclusion of the case. SAR's may be requested by individuals for ALL information held about them, even where they are only referenced using initials or other aliases.