



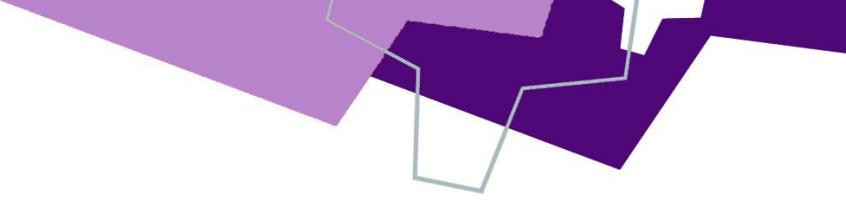
The Scottish Parliament
Pàrlamaid na h-Alba

Improving Attendance Procedures

Pròiseas Leasachadh Ìrean
Frithealaidh

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1. In applying these procedures, managers should always consider the possibility that the member of staff may have a disability. The SPCB must give due regard to the requirements of the Equalities Act 2010 (as amended) and provide “reasonable adjustments” that would enable the member of staff to perform adequately in their role. If a manager knows or thinks that a member of staff has a disability, he or she should contact the Human Resources Office on 86500. Specific, tailored, advice will be given on how to ensure that the individual’s needs are taken into account.

Informal Stage

2. Prior to taking formal action, and where appropriate, the manager will normally deal with any attendance issues on an informal basis by taking the opportunity, normally through a return to work discussion, to:

- advise the member of staff of the attendance issue;
- counsel and/or coach the member of staff on what must be done to improve; and
- give the member of staff the opportunity and time to make such improvement(s).

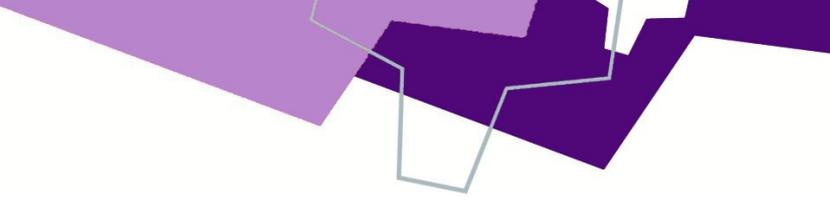
3. This stage falls under the Attendance Management Policy where managers should ensure that a member of staff has been given the proper support, opportunity and time to improve before they decide to invoke the formal procedures.

4. It is at this stage that managers should ensure that medical information, any known disability and any other mitigating factors are taken into consideration before they decide to invoke the formal procedures. Where appropriate, consideration will be given to and support provided for reasonable adjustments that may be implemented on a temporary or permanent basis, depending on the circumstances. Further guidance on the process for dealing with issues through the informal stage is set out in the Guidance for [Managers](#) and [Staff](#).

5. Managers may seek advice about the Improving Attendance Procedures from their HR representative at any time. However, managers must consult the HR representative for advice and guidance prior to taking any formal action under these procedures. Managers will consult the HR representative if attendance levels:

- reach a flag set out in the Attendance Management Policy;
- reach a flag which has been set according to particular individual circumstances; and
- if attendance has not improved following attempts to resolve the matter informally.

The manager should also notify the Head of Office/Group.



6. If it is decided that the formal stages (as opposed to the informal stages embedded in the Attendance Management Policy) of these procedures should be invoked, then as part of Stage 1 – Investigation, the HR representative will seek professional advice from our Occupational Health provider. The Occupational Health adviser may wish to obtain medical information from the member of staff's General Practitioner in accordance with the Access to Medical Reports Act 1988.

7. The informal stage will not normally apply to long-term absence caused by ill-health since this type of absence will be managed through regular contact with the member of staff throughout the absence.

Formal Stages

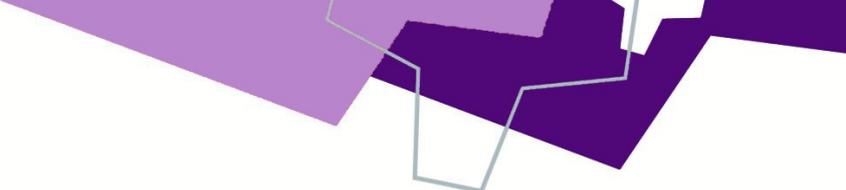
Stage 1 - Investigation

8. Where a manager considers that formal action may be appropriate, he or she will provide the member of staff with a note of his or her absence record and invite him or her, in writing, to attend a formal meeting. This meeting is to allow the Investigating Officer, who is normally the manager, to assess whether there is a need for the matter to progress to a formal Hearing. The Investigating Officer will be accompanied by a representative from the Human Resources Office. If the member of staff refuses to attend the meeting or is unable to attend after the manager has made two attempts to convene it, the manager may proceed in the member of staff's absence. The representative from the Human Resources Office will advise the manager on the content of the letter inviting the member of staff to attend the formal meeting. The letter will set out clearly the reasons why attendance is unacceptable, with reference to the particular flag reached; the history of unacceptable attendance (if appropriate); and the impact of the member of staff's non-attendance on the business. The member of staff is entitled to be assisted at this meeting by a trade union representative or a work colleague.

9. Following that meeting, the manager will produce a full report for the Head of Office/Group. If the Head of Office/Group concludes that a Hearing should be arranged, the member of staff will be invited to attend.

Stage 2 – The Formal Hearing

10. The Hearing Manager will give the member of staff a minimum of seven working days' notice of the Hearing. At the Hearing, the member of staff may make oral and/or written representations and he or she will be entitled to be assisted by a trade union representative or work colleague. If the date and time of the Hearing are unsuitable for the member of staff and/or the companion, he or she can suggest an alternative date and time within seven working days of the date originally proposed. The member of staff and his or her companion must take all reasonable steps to attend the Hearing.



11. The Hearing will normally be conducted by the Head of Office/Group of the relevant business area (the “Hearing Manager”). The Clerk/Chief Executive has delegated authority to all Heads of Group and to a number of Heads of Office who do not report to a Head of Group to impose sanctions up to and including dismissal. Heads of Office who report to a Head of Group have not been delegated such authority by the Clerk/Chief Executive. Such Heads of Office may however, still undertake the role of Hearing Manager and have the authority to impose sanctions up to but not including dismissal. If the Hearing Manager does not have the authority to dismiss and considers that the correct sanction is dismissal, he or she must make a recommendation to dismiss to their Head of Group who will ultimately make the decision and, if appropriate, sign any letter of dismissal. If the Head of Office/Group has been previously involved, the Assistant Clerk/Chief Executive with line responsibility will take the decision. If that Assistant Clerk/Chief Executive is unavailable or has been previously involved, the case will be referred to another Assistant Clerk/Chief Executive nominated by the Human Resources Office. A representative from the Human Resources Office will also be present.

12. If the member of staff subject to the Improving Attendance Procedures is Grade 8, the Clerk/Chief Executive will manage the case at Stage 1, a nominated member of the SPCB will manage the case at Stage 2 and an appeal at any stage will be heard by the Presiding Officer.

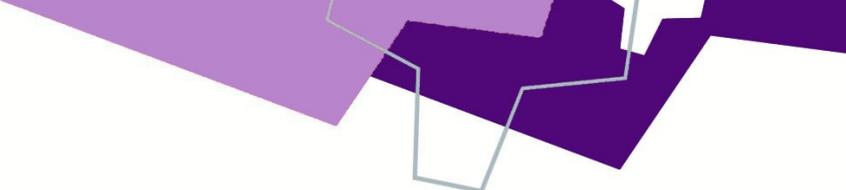
13. Having heard the representations, the Hearing Manager will adjourn to consider the evidence and to determine whether a sanction is appropriate. The sanctions which the Hearing Manager has the authority to impose are first written warning, final written warning or termination of employment. When a decision is made, the Hearing Manager (or the Head of Group where appropriate) will reconvene the Hearing, on the same day if practicable, and will inform the member of staff of the decision, the reasons for the decision, the sanction where appropriate, and the procedures for lodging an appeal, including details of the person to whom any appeal should be addressed. Those details will then be confirmed in writing, normally within seven working days of the date on which the member of staff was informed of the decision.

Stage 3 - Appeal

14. The member of staff can appeal against any sanction under Stage 2 of these procedures. If the member of staff wishes to appeal, he or she must set out the reasons for the appeal in writing and submit it to the Appeal Manager within seven working days of the date of written confirmation of the decision.

15. An Appeal Hearing will be arranged at which the member of staff may be assisted by a trade union representative or a work colleague. If the date and/or time of the Appeal Hearing are unsuitable for the member of staff and/or the companion, he or she can suggest an alternative date and time which must be within seven working days of the day originally proposed. The member of staff and his or her companion must take all reasonable steps to attend the Appeal Hearing.

16. Appeals will normally be heard by the Assistant Clerk/Chief Executive with line responsibility for the business area. A representative from the Human Resources Office will be in attendance to assist the Appeal Manager and provide procedural advice. If the Assistant Clerk/Chief Executive has been formally involved in any previous stage of the procedure, an alternative Appeal Manager will normally be nominated by the Human Resources Office if that is practicable. The member of staff will be told who the nominated alternative is when he or she is informed of the outcome of any formal meetings or Hearings held under this procedure.



17. Having heard the representations, the Appeal Manager will adjourn to consider the outcome of the appeal. The Appeal Manager may decide to:

- uphold the appeal; or
- dismiss the appeal; and/or
- uphold the sanction (if applicable); or
- impose a lesser sanction (if applicable).

18. When a decision is made, the Appeal Hearing will be reconvened on the same day if practicable, and the member of staff will be informed of the decision and the reasons for it. The member of staff will receive confirmation of those details in writing within seven working days of the Appeal Hearing. The decision of the Appeal Manager is final.

19. If the member of staff fails, refuses or is unable (after more than two attempts to arrange the meeting/Hearing) to attend any formal meetings or Hearings, the meetings/Hearings will proceed in his or her absence and he or she may be subject to disciplinary action.

Order of Events

20. Ordinarily the Improving Attendance Procedures will follow the sequence outlined. However, the SPCB reserves the right to invoke these procedures at any stage in the process where the circumstances are deemed sufficiently serious to merit it and to miss out an individual sanction or sanctions (but not any of the stages) in the procedure if it considers it appropriate in the circumstances.

21. If at any stage during the formal procedures it has been identified that the member of staff has a disability for which a reasonable adjustment has not already been made, the procedures will be temporarily suspended to establish whether absence is related to disability and whether any reasonable adjustments need to be put in place.

Records

22. A record of any action taken and/or any sanction applied in relation to the Improving Attendance Procedures will be kept on the member of staff's personal file within the Human Resources Office in accordance with the Data Protection Policy and the Records Management Policy and will be removed where appropriate after the specified time limit has elapsed.

Monitoring and Review

23. The SPCB will review and monitor these procedures on an ongoing basis, taking into account legislative requirements, recommendations and identified good practice. The Human Resources Office representative(s) involved in the case will conduct debriefing sessions with managers on the conclusion of each case to inform the continuous review and enhancement of these procedures.

Improving Attendance Procedures

For further information contact:

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