



Supporting Attendance Policy and Procedures

This policy is also available in Welsh

Information sheet

Information box

For further advice contact: People Team

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Equality impact assessment

- A business rationale assessment has been carried out and this policy contributes to Estyn's strategic objectives and delivery principles.
- An equality impact assessment has been carried out and this policy is not deemed to adversely impact on any people on the grounds of Welsh language, age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

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Supporting Attendance Policy

Policy principles

Estyn recognises that we are at our most productive and fully engaged at work when we are healthy, happy and able to be ourselves. We recognise the benefits of having a healthy and committed workforce whilst at the same time having a clearly understood and consistently applied procedure for when employees are unwell.

We understand that people will sometimes be unwell and respect that employees will need to be absent when they are not well enough to work. We have developed a policy and procedure for managing sickness absences that is pro-active, focused on wellbeing and sensitive to the needs of the individual.

However, high levels of sickness absence make it difficult to deliver our services and meet our business priorities. It can also increase the burden on other employees who have to provide cover for the absences. We aim to reduce sickness absence by, wherever possible, helping to prevent health problems occurring in the first place through a culture that proactively promotes health and wellbeing, including prevention and early intervention.

Being ill or injured does not always prevent an employee from getting to, or undertaking, some work and can positively aid recovery, providing it will not be detrimental to the health and wellbeing of the individual concerned. We are committed to supporting people with a disability and long-term health conditions to stay at work or return to work by removing disadvantages that people with a disability or health issue may experience. We take a work-focused approach to help minimise the impact of ill-health on an employee's attendance. This involves:

- early intervention to enable any help and support to be identified
- a greater emphasis on the manager and employee working together to remove barriers to work

We want to create and maintain a culture that promotes and supports the physical and mental health of employees, in which managers can hold productive conversations with employees to find the best ways to support them and make early interventions. Managers will support employees to stay in work by helping them when they experience ill-health, or to return to work (including a phased return where appropriate) as soon as possible following a period of sickness absence.

During long term sickness absence (absence of 21 days or more), supportive review meetings will take place to provide an opportunity for the employee and manager to keep

in touch and identify any help needed to enable the employee to return to work as soon as they are well enough.

Where levels of sickness absence cause concern, managers will provide support and take appropriate steps to improve attendance, which may include formal action.

Dismissal or demotion will only be considered as a final option where the level of sickness absence cannot be supported and appropriate medical advice will be obtained to inform decisions.

The following principles and aims underpin the Supporting Attendance policy and procedure:

- generally, being in work is good for physical and mental health and wellbeing
- we are committed to promoting a culture of attendance where employees feel valued and supported
- managers should consider the wellbeing of an individual when decision making, and role model the behaviours that create an environment that promotes positive wellbeing in the workplace
- attendance will be managed fairly and effectively in a clear and transparent way. Managers will use discretion, considering the circumstances of all absences, including disability and long-term health conditions, taking appropriate and well considered action when there are concerns about health and wellbeing or when absence levels are unsatisfactory
- attendance discussions will focus on what the employee can do rather than what they cannot, enabling them to remain at work wherever possible instead of taking sickness absence
- we are committed to reducing the number of working days lost through sickness absence and the impact this has on the business and other employees through focusing on prevention and early intervention
- we aim to integrate the policy and procedure with health and wellbeing principles and support managers in working constructively with the individual
- Managers should take appropriate occupational health advice when managing attendance under the policy

Scope of policy

This policy applies to all employees including those on fixed term appointments. Employees who are on loan to Estyn are also included in the scope of the policy. It does not apply to agency workers, secondees or contractors. Please refer to the Probation Policy and Procedure for advice on how to manage sickness absence for employees during their probation period and the Temporary Workers Guide for advice on how to manage sickness absence for Temporary Workers.

Policy summary

Employees are responsible for managing their own attendance and should attend work unless they are unfit to do so. Good management can lead to good health, wellbeing and improved performance. This policy supports managers in managing attendance effectively and encourages employees to work with their manager to achieve and/or maintain a satisfactory level of attendance.

Supporting Attendance Procedure

Key information for managers and employees

Roles and responsibilities

Managers should:

- create an environment that supports wellbeing
- take informal action and act early to address health issues which may affect attendance or performance
- support employees by helping them to continue to work when they experience ill-health or return to work as soon as possible following a period of sickness absence. This may include consideration of a phased return to work, where appropriate.
- Consider whether it is appropriate to hold a Health and Attendance Improvement Meeting when employees reach the trigger point

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 health issues which might affect their attendance
- know what standard of attendance is expected of them and the potential consequences of notable absences which impact business needs
- 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

Definitions

Short term and long-term absences

- Short term absence is absence lasting between 1 and 20 calendar days
- Long term absence is a single, continuous absence of 21 calendar days or more

Trigger points

In Estyn the trigger points are used for short-term absences only. Trigger points are points where managers may have a conversation with employees around their level of attendance. These trigger points are:

- 10 working days of short-term absence in a rolling 12-month period (this is pro-rated for part time colleagues who work regular working patterns); or
- five spells of short-term sickness absence in a rolling 12-month period; or
- a pattern of absence that is a cause for concern (for example, regular half day absences or absences following weekends, bank holidays etc.)

Trigger points for part time colleagues who work regular patterns depend on the number of days per week worked. For example, if you work 4 days per week, the trigger is 4/5 of the standard trigger point so eight days and/or four spells of short-term absence in a rolling 12-month period.

Trigger points for part time colleagues, who do not work regular working patterns (such as part-time HMI) are not pro-rated as sickness is recorded for the full period of the absence.

If you work part time and would like to know how triggers apply to your working pattern, please speak with the People team.

Managing health at work

The manager and employee should work together and adopt a work-focused approach. They should explore what the employee can do, or might be capable of doing, with help and support to continue to work or return to work whilst they recover.

Workplace adjustments

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. Reasonable adjustments can be described as steps taken to remove, to reduce or to prevent obstacles faced by disabled employees in the workplace.

A workplace adjustment could be altering working arrangements, altering hours of working, providing training, providing equipment. Many adjustments do not require a physical change. For HMI colleagues this may mean managing their work programme to limit travel/overnight stays or the spacing out of inspection activity.

Trigger points may be altered as a workplace adjustment in appropriate cases. Managers will exercise discretion when considering individual cases.

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 workplace adjustments as the steps taken to remove, to reduce or to prevent the obstacles faced by all employees.

Any adjustments should be regularly reviewed to ensure they continue to be effective or to identify whether further adjustments are needed. It is recommended that adjustments are recorded on a Workplace Adjustment Passport, which is used to capture all agreed adjustments.

Occupational Health

Occupational Health (OH) provides specialist advice on health problems that can affect the employee's ability to attend work.

A referral to OH can be made at any time if the manager is concerned about the impact of the employee's health on their attendance. An employee can also request a referral to OH at any time, via their manager. Managers should contact the People team to begin the referral process.

A referral to OH cannot be made without the employee's consent. If the employee does not consent to the referral the manager should make decisions about action to take based on the information available.

Pay during sickness

Staff who follow the [notification](#) and [certification requirements](#) are entitled to paid sickness absence as follows, regardless of their working pattern:

- full pay for up to six months (a maximum of 182 calendar days), in any 12-month rolling period
- half pay, for a further six months, subject to a maximum of 12 months (365 days) sickness absence (paid or unpaid) in any rolling period of four years or less

When sick leave entitlement on full and half pay has been exhausted, further sick leave is unpaid.

In cases where an individual has used up their full entitlement to sick pay, due to long term sickness absence, they may qualify for payments of Sick Pay at Pension Rate (SPPR) for up to twelve months beyond the limits set out above as part of a structured rehabilitation plan if, after consulting with OH, Estyn is satisfied from the medical evidence that there is reasonable prospect of recovery and return to work within 12 months.

To qualify you must have a minimum of two years of pensionable service in the PCSPS and have received a medical prognosis that there is a reasonable prospect of a return to work within 12 months.

If you do not meet both of these criteria, any further sickness absence will be unpaid.

The rate of pay will not be more than the rate of pension for which the individual would have qualified if they had been retired early on ill health grounds on the day normal sickness absence pay was exhausted.

The decision on whether to pay SPPR will be made by the People team following receipt of the medical assessment from occupational health.

Payment of SPPR will be reviewed at three monthly intervals and further medical evidence may be required.

If you think that you may qualify for SPPR, you should discuss the matter with your manager as soon as you think you will go onto nil pay.

Following periods of long-term sickness, where pay has been exhausted and an individual returns to work on a phased return, pay will return to full pay. Full details of this can be found [here](#).

Employee absence

Notifying absence – full day absence

The employee should contact their manager to report their absence from work by 10am on the first day of their sickness absence. Where the employee's manager is unavailable, another manager, or the People team should be contacted.

If any employee contacts their manager via Teams or email, the manager may want to make a follow-up call to the employee.

During the notification call, the manager is expected to discuss:

- The nature of the illness/injury
- When the employee expects to return to work
- If appropriate, have they sought medical advice (doctor, dentist or hospital)
- If appropriate, are there any adjustments we can put in place to enable the employee to do some work
- If appropriate, remind the employee of the support available via the Employee Assistance Programme
- Time and date of next contact and agree 'keep in touch' arrangements

Following the initial contact with the employee the manager should:

- record the sickness absence in PeopleHR

- consider whether a referral to [Occupational Health](#) is appropriate. An early referral is recommended if the sickness absence is due to stress or a musculoskeletal condition
- consider whether a stress risk assessment should be carried out if the reason for the sickness absence is stress-related. See the Policy and Guidance for Managing Stress in the Workplace for further details

Part day absence

An employee who leaves work during the day due to illness/injury will be regarded as having attended for the whole day. Managers will record the sickness absence in PeopleHR, for the purpose of flexi credit but the absence will not count towards trigger points/pay.

Where there appears to be a pattern of part day absences, the manager will discuss this with the employee to identify any underlying issues, what might be done to help and whether a referral to OH is needed.

Where the number of part-day absences or patterns of absences gives managers a cause for concern this should be addressed.

Recording of sickness for Part time employees

Individuals who work part time hours in a regular working pattern will have sickness recorded on the days they normally work. For [pay](#) purposes, this is classed as a full week.

Individuals who do not work regular working patterns (such as part-time HMI) will have sickness recorded from the date we are informed of the sickness, to their return-to-work date, regardless of whether they were pre-programmed to work. This aligns with the approach to [pay](#).

Any working days that are covered by a period of sickness are essentially lost and will not be re-programmed.

Possible unauthorised absence

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 on the first day of absence.

Unauthorised absence may occur at the onset of, or during sickness absence is where the employee:

- is absent from work due to sickness and does not report their absence to their line manager, or

- has reported the absence but does not return to work after 7 calendar days and has not sent in a fit note, or
- has produced fit notes but later does not provide fit notes as the absence continues beyond the period covered by the previous fit note

If the manager is still unable to contact the employee, they should contact the People team for guidance on unauthorised absences. This may mean contacting their next of kin or visiting the employee at their home address.

Continued unauthorised absence, with no contact from an employee may result in disciplinary action, in line with the Disciplinary Policy.

Certifying the sickness absence

The employee can self-certify sickness absences of seven calendar days or fewer using the Return-to-Work form on PeopleHR. This applies equally to full and part-time employees.

For sickness absences of eight calendar days or more, the employee will need to provide a fit note. The employee should send their manager and the People team a copy of any fit notes they receive during their sickness absence promptly to ensure continuation of pay.

Not providing a fit note may lead to disciplinary action and/or action to stop pay. The manager will fully consider the circumstances before considering whether disciplinary action and/or suspension of pay is appropriate.

Keeping in touch during sickness absence

The manager should keep in touch with the employee, as agreed with the employee, during their sickness absence.

How often managers keep in touch with employees will depend on the individual circumstances but should be mutually agreed and a record of meetings should be kept.

The manager should adopt an appropriately work-focused approach during all discussions with the employee throughout their sickness absence.

Sickness and annual leave

If an employee is ill whilst on annual leave they can choose whether to have the days that they are unwell treated as annual leave or sickness absence.

If an employee chooses to have them treated as sickness absence they should follow the normal rules on notifying their manager of their sickness absence, keeping in touch and providing medical evidence. Annual leave cannot be converted to sickness absence retrospectively e.g. on return to work.

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.

This means an employee will receive full pay for any periods of annual leave regardless of their entitlement to sick pay.

Returning to work

The manager should hold a return to work discussion following every period of sickness absence. This should usually take place on the day the employee returns to work.

Managers are expected to review sickness absences and discuss causes for concern during the return to work meeting, if relevant and appropriate.

Return to work discussions are recorded by the employee and manager on PeopleHR.

If the employee's sickness absence over the rolling 12-month period is a cause for concern (for example, employees who have exceeded trigger points or have patterns of regular absence), the manager will discuss this with the individual, as part of the return to work meeting by:

- telling the employee that they are concerned about their level of sickness absence and remind them of the attendance standard expected of them
- giving the employee the opportunity to discuss any issues which they feel are affecting or might affect their attendance
- adopting a work-focused approach to reduce the likelihood of further sickness absences
- considering whether Occupational Health advice is needed to understand the impact of the employee's health on their attendance

Managers should record this discussion within the Return to Work meeting notes in PeopleHR.

Formal managing attendance procedure

If the sickness absence level reaches or exceeds the Trigger Point, the manager should obtain advice from the People team. A Formal Health and Attendance Improvement Meeting will not take place routinely. However, if sickness patterns are a cause for concern, a meeting may take place after discussion between the manager and the People team who will advise on the propriety of moving to formal action.

If OH advice has not already been sought, a referral should be made with the agreement of the employee to understand whether there is any underlying medical cause for absence and if there are any reasonable adjustments that can be made to support the employee.

If no reason is provided by OH to delay the meeting the manager will arrange a Formal Health and Attendance Improvement Meeting.

[Annex A](#) sets out all of the steps to follow when holding a formal meeting.

Decision points during formal action

Formal action for unsatisfactory attendance consists of the following decision points:

- no further action
- first Written Improvement Warning
- final Written Improvement Warning; when the employee reaches or exceeds their Trigger Point following a first Written Improvement Warning
- consideration of dismissal/demotion; when the employee reaches or exceeds their Trigger Point following a final Written Improvement Warning or when a long-term sickness absence can no longer be supported

The employee has the right of appeal at each decision point. See [Appeals](#) for further information.

Written Improvement Warnings

A Written Improvement Warning is meant to remind the employee of the attendance standard expected of them. Managers should work with the employee to identify any support which may be needed to help them achieve this.

When absence is related to disability managers should generally consider and put in place all workplace adjustments before issuing a warning.

When not to issue a Written Improvement Warning

If the sickness absence relates to pregnancy the manager must not give a Written Improvement Warning.

Where paid special leave is given for absences from work that are directly related to transgender and intersex variations these are not treated or recorded as sickness absences and you should not give a Written Improvement Warning.

Special arrangements apply where the sickness absence is due to an injury sustained or a disease contracted in the course of duty.

Improvement Periods

An employee who receives a Written Improvement Warning enters an Improvement Period during which they should aim to meet the attendance standard expected of them. This period is usually between 3-6 months and managers would expect to see improved attendance during this time.

Attendance is satisfactory at the end of the Improvement Period

If attendance is satisfactory on completion of the Improvement Period, the manager should write to the employee to tell them they have met the attendance standard expected of them.

Attendance is unsatisfactory during the Improvement Period

If attendance is unsatisfactory during the Improvement Period, formal action may be taken, which will move on to the next decision point. The manager does not need to wait until the employee has completed the Improvement Period before taking formal action.

The manager should arrange a Formal Health and Attendance Improvement Meeting with the employee to tell them they have not met the attendance standard expected of them.

During the meeting the manager should follow all of the steps in [Annex A](#) and:

- tell the employee their attendance has been unsatisfactory during the Improvement Period
- give the employee the opportunity to present any new information
- consider whether, in light of all the available evidence, formal action moves to the next decision point

After the meeting the manager should inform the employee in writing of their decision to either:

- take no further action; or
- extend the Improvement Period; or
- move to the next decision point of formal action; or
- if the employee does not meet the attendance level expected of them following a final Written Improvement Warning, dismissal or demotion should automatically be considered

Long term sickness absence

During any long term sickness absence period the manager and employee should work together to explore what the employee can do or might be capable of doing with help and support, to return to work as soon as they are able.

Contact during long term sickness absence

It is expected that managers maintain regular contact with employees during long term sickness and explore the support needed to help the employee return to work.

Managers may want to explore the following when during these conversations:

- ask the employee how they are feeling and where they are in their recovery
- discuss any medical advice, for example, from the GP, consultant or Occupational Health
- consider whether a workplace adjustment is appropriate
- ask the employee when they think they may be able to return to work and what support they need to achieve this
- if appropriate, bring the employee up to date with any key developments in their work area and/or the organisation

When an employee has been off for a significant period a Formal Health and Attendance Review Meeting will take place to explore the support needed, but also to consider whether the employee is likely to return to work within a reasonable time frame, and therefore whether the business can continue to support the absence; this is a formal meeting where the employee has the right to be accompanied.

Formal Attendance Review Meeting

[Annex A](#) sets out all of the steps to follow when holding a formal meeting.

During the meeting the manager should:

- discuss with the employee whether a return to work is likely within a reasonable timescale
- consider whether there may be underlying disability and if any workplace adjustments may be appropriate
- consider whether the sickness absence can continue to be supported
- explain that dismissal/demotion may be considered if their level of sickness absence cannot be supported

If a return to work is likely within a reasonable timescale and/or the absence can continue to be supported, the manager should arrange an informal review with the employee to be held in a month's time.

If a return to work is not likely within a reasonable timescale and the absence cannot continue to be supported, the manager should consider whether the employee is likely to meet the criteria for [Ill-Health Retirement](#) or whether dismissal/demotion is appropriate.

Phased return to work

Those individuals returning to work following a period of long-term sickness, a phased return can be arranged. The aim of a phased return is to help the employee return to work gradually.

It is recommended that the manager and employee plan the phased return, with medical advice (where possible) and the People team to mutually agree the pattern of working hours and duties during the phased return.

The manager and employee should meet regularly during the phased return to review the return and amend the plan if needed.

The duration of a phased return to work should be appropriate to the illness / injury and the length of sickness absence. Individual circumstances may vary but generally, we wouldn't expect phased returns to be longer than 8 weeks. During this time the individual will remain on full pay.

Periods of time that are not worked due to the amended working pattern will not be counted as sickness for pay or trigger point purposes.

Considering dismissal or demotion

Decisions on dismissal or demotion are normally taken by the manager, who will not be less than HEO Grade, in consultation with the People team.

Dismissal or demotion should be considered when the Supporting Attendance procedure has been followed and:

- attendance has not improved to a satisfactory level following a final Written Improvement Warning
- a return to work in their current post is not expected within a reasonable time frame during a period of long term absence

- where the employee is absent for a reason related to disability, the department has explored all options to make workplace adjustments which would enable an employee to return to work

If the manager does not meet the grade requirement to consider dismissal/demotion, they should gather all the relevant information and refer the case to a Decision Manager.

The manager or Decision Manager should conduct a formal meeting with the employee before making a decision about dismissal or demotion.

When arranging the formal meeting the manager or Decision Manager should follow the relevant steps in [Annex A](#).

At the meeting the manager or Decision Manager should:

- explain why they are considering dismissal or demotion
- give the employee the opportunity to present any new information which might affect their decision

After the meeting the manager or Decision Manager should consider the information and make a decision based on the evidence available, with advice and support from a member of the People team.

Decision is demotion

The manager or Decision Manager may decide to demote the employee if:

- the pressure of the duties of a higher grade is likely to have been the major reason for the unsatisfactory attendance, and
- they believe that the employee will achieve the required level of attendance again in the lower grade, and
- a suitable vacancy is available

Decision is dismissal

The manager or Decision Manager should dismiss the employee if **all** of the following apply:

- the business can no longer support the employee's level of sickness absence
- demotion is not appropriate or the employee rejects this option
- where appropriate, there are no further workplace adjustments that can be made which will help the employee return to satisfactory attendance
- Occupational Advice has been received within the last three months, unless the employee withheld their consent to an Occupational Health referral

- an application for [Ill-Health Retirement](#) would not be appropriate or has been refused

If the decision is to dismiss, the manager or Decision Manager should consider whether compensation is appropriate. Guidance on considering compensation is available from the People team and approved by the Resource Panel.

Decision is no further action

If the manager or Decision Manager decides not to dismiss or demote, the Supporting Attendance process will continue. This means that:

- the Improvement Period will continue or be re-set
- Attendance Review Meetings will continue during a period of long-term sickness absence; the decision to dismiss or demote may be reconsidered if the sickness absence can no longer be supported

Following the decision

After making their decision the manager or Decision Manager should:

- make a full written record of the discussion and the outcome; this should include the reasons for the decision
- write to the employee within five working days of the meeting to advise them of the decision taken and the reasons for it, including a summary of the key points from the meeting; if the decision is to dismiss, include the effective date of dismissal, details of the notice period and any compensation payment (where applicable)
- tell the employee that they have a right to appeal against their dismissal
- inform the employee of their right of appeal to Civil Service Appeal Board regarding the amount of compensation paid on dismissal on efficiency grounds for unsatisfactory attendance
- liaise with the People team to send a copy of the letter and the completed Compensation Certificate to MyCSP

Appeals

There is one right of appeal at each decision point in the Supporting Attendance procedure.

The employee would usually have five working days from the date of receipt of the decision to submit their appeal to the Appeal Manager. However, the employee is able to request an extension to this if there are extenuating circumstances.

The appeal should clearly state the grounds for the employee's appeal and their desired outcome.

There are three grounds of appeal:

- a procedural error has occurred
- new information/evidence has become available that may change the outcome of the original decision
- the sanction imposed was too severe/disproportionate or not supported by the evidence

If the appeal does not satisfy the above grounds of appeal, the Appeal Manager should reject it and notify the employee in writing of this decision.

Employees may not raise a grievance where a right of appeal exists under any other Estyn procedures.

Appeals will be heard by an Appeal Manager who is at least one grade higher than the manager who made the original decision (where possible) and is independent (they have had no previous involvement in the case). Appeal Managers will be appointed in consultation with a member of the People team.

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.

If the appeal meets the criteria, the Appeal Manager should conduct a formal meeting with the employee before making a decision.

When arranging the meeting the Appeal Manager should follow the relevant steps for formal meetings in [Annex A](#).

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

An appeal hearing should be conducted as a full re-hearing of the case. In some cases (but only where dismissal/demotion 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 meeting the Appeal Manager should decide whether to uphold the appeal and consult with People before notifying the employee. They should write to the employee notifying them of their decision within five working days of the meeting.

The decision letter will include:

- whether or not the appeal is upheld or rejected and the reasons for this decision;
- any recommended actions such as dispute resolution/mediation, further attendance reviews/meetings with the employee and workplace adjustments

Other things to consider

Confidentiality

Sickness absence records are confidential and should only be viewed by, or communicated to, other managers, the People team, the Welsh Government's HR Shared Service Centre or Occupational Health providers and in accordance with Estyn's Information Assurance Policy. Disciplinary action may be taken for any inappropriate handling or processing of personal data.

Retention of documents

When keeping records relating to an employee's health, the manager should follow Estyn's Information Assurance Policy and Access to Information Policy.

Disability leave

Disability leave is a form of paid special leave that may be offered as a reasonable adjustment under the [Equality Act 2010](#).

Employees with a disability can apply for disability leave if they are fit for work but need time off to attend appointments for treatment, rehabilitation or assessment relating to their disability.

Full details of disability leave can be found in the Special Leave Policy.

Gender Transition or Intersex Variations

Absences that are directly related to gender transition or intersex variations are not treated or recorded as sickness absences. Up to 13 weeks special leave with pay may be considered for absences directly related to gender transition or intersex variations, in any 12 month rolling period.

If the absence is likely to exceed 13 weeks, managers should seek advice from the People team.

Ill-Health Retirement

An employee can apply for Ill-Health Retirement if a breakdown in their health prevents them from carrying out their duties and there is advice from Occupational Health that they are likely to meet the criteria. For further information see the Civil Service Pension Scheme [Ill-Health Retirement Guide for Members](#).

The employee should talk to their manager if they want to apply for Ill-Health Retirement.

Estyn can also, with the employee's consent, make an application for Ill-Health Retirement if a breakdown in the employee's health prevents them from carrying out their duties and their employment is to be terminated.

Annex A – Holding a formal meeting

The following steps apply to all formal meetings and should be followed carefully. Any additional steps relating to a specific meeting are set out in the relevant part of the procedures.

Before the meeting

The manager should write to the employee inviting them to a meeting to discuss their attendance. Where possible the meeting should be face-to-face at their usual workplace. The letter should:

- give at least five working days notice
- tell the employee they are expected to attend the meeting as scheduled unless there are exceptional circumstances why they cannot, in which case they should inform the manager as soon as possible
- inform the employee a note taker from the People team will attend to keep a written record of the meeting
- advise the employee they have the right to be accompanied by a trade union representative or work colleague
- explain the reason for the meeting, what issues will be discussed and what the possible outcome could be
- enclose copies of any correspondence relating to the employee's sickness absence that will be referred to during the meeting; if the employee is on a long term sickness absence, send them a copy of the Supporting Attendance policy and procedure

The manager should also:

- make any workplace adjustments which are necessary to enable an employee with a disability to attend a formal meeting
- postpone the meeting once if the trade union representative or work colleague the employee has chosen, cannot attend; the meeting must be held within five working days of the original scheduled date and, if this is not possible, the manager should make a decision about the case taking into account all the available evidence
- review the available information about the employee's sickness absence history and consider the possible outcomes. The People team can provide support/advice
- read the Supporting Attendance [policy](#) and [procedure](#) and make sure they understand what decisions or actions they will need to take following the meeting

In the meeting

The manager should take the following actions for all meetings:

- ensure notes of the meeting are taken
- notify the employee of the potential outcomes including dismissal/demotion
- give the employee the opportunity to raise anything they think is relevant prior to the manager making a decision about next steps
- remind the employee about the support available from the Employee Assistance Programme
- tell the employee about next steps

The following actions are not always applicable for Appeal Meetings. However, the manager should take these actions for all other meetings:

- explain the purpose of the meeting i.e. to help the employee to return to a satisfactory level of attendance, support them in their return to work or to determine whether the sickness absence can be supported
- review the employee's absence history
- ask the employee what steps they are taking to help themselves return to a satisfactory level of attendance
- explore whether there any temporary workplace adjustments or workplace adjustments that might enable the employee to achieve a satisfactory level of attendance or a return to work
- review any workplace adjustments which are already in place for employees with a disability and check whether they continue to be effective or necessary; the manager should also consider whether any further adjustments are needed to support the employee
- consider whether Occupational Health advice is needed to enable them to make a decision about next steps and discuss this with the employee

After the meeting

The manager should take the following actions for all meetings:

- consider all of the available information and make a decision
- write to the employee within five working days of the meeting; advise the employee of the decision taken and the reasons for it, and include the record of the discussion, which should be signed by the employee
- take forward any agreed actions and update the employee on progress

The following actions are not applicable for Appeal Meetings. However, the manager should take these actions for all other meetings:

- talk to the employee about any Occupational Health advice received; consider any recommendations and how they can be implemented
- update the People team on any action taken to ensure the employee's sickness absence record is updated on the PeopleHR