

**HR Guide:  
Conducting a Stage 3 Interview  
(Maximising Attendance)  
Version: 2.1**



**Focus. Passion. Inspiration.**

**North Ayrshire Council**  
Comhairle Siorrachd Àir a Tuath

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2.1	18.07.14	Updated onto new policy template

## **Section 1: Introduction**

1.1 A Stage 3 meeting of the Maximising Attendance Procedures can result in dismissal. 'Capability' is a fair reason for dismissal under the Employment Rights Act 1996 having followed all reasonable steps in both procedure and in respect of appropriate support to enable the employee to attend work.

## **Section 2: Preparing for a Stage 3 Interview**

2.1 Senior Managers authorised to dismiss, should conduct a Stage 3 Case Review, prior to inviting an employee to a Stage 3 Meeting. By meeting with an HR Adviser to go through the relevant documentation, Managers can make informed decisions about the sickness absence and can consider the implications.

2.2 It would be useful to ask Line Managers/Supervisors to check that all documentation relevant to Maximising Attendance are in the Employee's Personnel File and for a chronology regarding the absences over the last 3 years and/or relevant to the Stage 3 Trigger, is up-to-date. This ensures that all of the required information e.g. Occupational Health/specialist reports are available, that all the previous Stages have been adhered to and supportive measures such as Stress Management Meetings, access to Counselling and/or redeployment have been discussed, considered and if appropriate, offered to the employee.

2.3 It is also important to check that the employee has been met at the right times under the Triggers and Stages of the Maximising Attendance Procedure.

2.4 Employees should be notified of the Stage 3 hearing using the appropriate template letter available in Forms section of Navigate. This letter should include the warning that the result of the meeting may result in dismissal as this forms part of the ACAS code of practice for such meetings.

2.5 The HR Guide for Representation should also be included with this letter and a copy of the employee's last 3 years absence record as well as any other relevant documentation used as part of the hearing that the employee may not have. A copy of the Maximising Attendance Procedures should have been issued at the initial stage; however, it may be prudent to include a copy of this also.

2.6 Letters for Stage 3 should be sent First Class recorded delivery or hand delivered.

## **Section 3: Conducting a Stage 3 Interview**

3.1 The third stage interview should be held by the Corporate Director/Head of Service or nominated Senior Officer.

- The employee should be encouraged to be represented by a union representative or work colleague.

- The employee should be fully aware of the possible outcome of the meeting
- A Stage 3 Interview Pro-Forma should be completed

3.2 The following should be discussed/considered;

- Advice from Occupational Health
- The expected return to work date (for long term absence)
- Workplace adaptations or restrictions
- The possibility of flexible working
- If likely to meet the criteria for disability under the Equality Act 2010, any reasonable adjustments – implemented and not implemented
- Suitability for alternative employment – Redeployment procedure
- Ill Health Retirement

#### **Section 4: Considerations prior to dismissing at a Stage 3 Interview**

4.1 To sustain dismissal there needs to be a consistent record of non-improvement in the employee's record or no foreseeable return to work date, with each stage clearly documented, setting out the requirements of management and the employee's obligations.

4.2 If the employee is likely to be disabled under the Equality Act 2010, it must be clearly demonstrated reasonable adjustments have been considered.

4.3 There should be a consistent record of absences, supporting medical opinion of reasons for the absences, knowledge of the employee's intentions and where relevant, a record of unfulfilled employee obligations.

4.4 Should there still be no indication of an expected return to work or absence targets have failed to be met, and continuing absence is disrupting service delivery, serious consideration must be given to the possibility of the employee being dismissed on the grounds of incapability.

#### **Section 5: Outcome of a Stage 3 hearing**

5.1 The outcome of Stage 3 is likely to result in dismissal but this is not always the case. Either way, the outcome must be put in writing in a letter, (a template outcome letter is available on Navigate) giving reasons for the decision and sent to the employee giving them the right to appeal.

5.2 Appeals against dismissal or demotion are heard by the Appeals Committee of North Ayrshire Council.

5.3 Appeals not resulting in dismissal, such as procedural appeals, will be heard by the officer senior to the officer who heard the Stage 3.