

Reference Number: UHB 482 Version Number: 1	Date of Next Review: 30 September 2021 <i>Previous Trust/LHB Reference Number:</i>
Unauthorised Absence Procedure	
<p>Introduction and Aim</p> <p>Cardiff and Vale University Health Board is committed to supporting the health and wellbeing of all staff, and has a duty of care to staff if they are unexpectedly absent from work. It is essential to follow up such occurrences and make enquiries to ensure the wellbeing and safety of staff members.</p> <p>All employees have a duty to attend work and are required to inform their line manager if they are unable to attend work as a result of illness or other unforeseen circumstances. A failure to notify the manager of his/her absence may be treated as a serious disciplinary offence and breach of contract, potentially leading to summary dismissal.</p> <p>The purpose of this procedure is to provide a framework to managers on how to proceed when an employee is absent from work without permission. It will most commonly apply in circumstances where an employee is unable to be contacted, despite every effort by the UHB to reach the employee.</p>	
<p>Objectives</p> <ul style="list-style-type: none"> • To ensure employees are treated fairly and are given every opportunity to comply with their contractual obligation to attend work or to comply with the most relevant procedure if they are unable to do so. • To ensure that employees are supported appropriately and have access to support services provided by the UHB. • To ensure that there is a consistent approach to managing employees who are absent from work without permission. • To ensure that absence from work without permission is dealt with as sensitively and swiftly as possible in order to minimise the impact on service provision, other members of staff and cost to the UHB. 	
<p>Scope</p> <p>This policy applies to all employees, except Medical and Dental staff where specific arrangements apply in cases of professional conduct or competence.</p>	
Equality and Health Impact Assessment	An Equality and Health Impact Assessment has not been completed. This is because a procedure has been written to support the implementation the Adaptable Workforce Policy.
Documents to read alongside this Procedure	Managing Attendance at Work Policy Disciplinary Policy and Procedure Capability Policy Special Leave Policy
Accountable Executive or Clinical Board Director	Executive Director of Workforce & OD
Author(s)	Assistant Head of Workforce & OD / RCN
<u>Disclaimer</u>	

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If the review date of this document has passed please ensure that the version you are using is the most up to date either by contacting the document author or the [Governance Directorate](#).

Summary of reviews/amendments			
Version Number	Date Review Approved	Date Published	Summary of Amendments
1	30/09/2020	20/10/2020	New document
2			

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1	UNAUTHORISED ABSENCE <p>The purpose of this procedure is to provide a framework to managers on how to proceed when an employee is absent from work without permission. It will most commonly apply in circumstances where an employee is unable to be contacted, despite every effort by the UHB to reach the employee.</p> <p>It does not include the following:</p> <ul style="list-style-type: none"> - When an employee has booked annual leave in advance - When an employee has requested emergency carer or dependant leave or unexpected crisis leave under the Special Leave Policy - Sickness that is medically certified - Absence due to maternity/paternity/adoption leave - Absence due to a statutory right such as time off for antenatal care and appointments <p>A failure to attend work without good reason may be treated as a serious disciplinary offence and a breach of contract, potentially leading to summary dismissal. However, it is essential that each case is investigated to establish the reasons for the absence identifying where support may be needed.</p>
2	ACTION ON THE FIRST DAY OF ABSENCE <p>On the first day of the employee's absence, the line manager will attempt to contact the employee by telephone, making a note of the means used (home and/mobile) and keeping a record of the time. If the employee does not answer the telephone, the manager will attempt to leave a voicemail message asking them to return the call. If the manager is unable to contact the employee, they should attempt to contact the employee's next of kin or listed emergency contact.</p> <p>If this is very out of character for the employee and/or there are known health concerns, you may consider contacting the police or carrying out a home visit.</p>
3	ACTION ON THE SECOND DAY OF ABSENCE <p>On the second day of the employee's absence, the line manager will again attempt to contact the employee by telephone, making a note of the means used (home and/or mobile) and keeping a record of the time.</p> <p>If nothing has been heard from the employee and the manager has not received a satisfactory explanation from the employee's next of kin or emergency contact, the manager will write to the employee detailing his/her absence and the attempts to make contact. The employee will be asked to make contact within the next three days and will be warned that pay will be stopped if there is no contact. This letter should be sent by standard delivery and by recorded delivery.</p> <p>Further attempts should be made to contact the employee by telephone on days three – five of the continuing absence. A record of these attempts should be noted. A home visit may also be considered appropriate where practicable.</p>

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	* Template Letter Appendix 1
4	ACTION ON THE SIXTH DAY OF ABSENCE
	<p>If, following the deadline, the employee has still not contacted the line manager; the manager should contact the HR department immediately to discuss the circumstances. Following this discussion, the manager should send a further letter advising the employee to make contact within two days (specify date). The employee will be advised that a failure to attend work without providing a reasonable explanation is a breach of contract and may be considered as gross misconduct in accordance with the UHB's Disciplinary Policy. The employee will also be advised that an instruction has been sent to payroll to stop their pay.</p> <p>The letter should be sent by standard delivery and recorded delivery. The manager is responsible for contacting payroll to make arrangements to stop the pay.</p> <p>* Template Letter Appendix 2</p>
5	ACTION ON THE NINTH DAY OF ABSENCE
	<p>If, following the deadline, the employee has still not contacted the line manager, the manager should contact the HR department immediately to discuss the case. Following this discussion, the manager will send a further letter inviting the employee to attend a disciplinary hearing for gross misconduct, which could result in dismissal. The employee will be given ten days' notice of the hearing, and the letter should be sent by standard delivery and recorded delivery.</p> <p>Copies of the letters previously sent and details of the how and the number of occasions the manager has tried to contact the employee should be sent with the invitation letter.</p> <p>The employee will have the right to be accompanied by a trade union representative or workplace colleague, and will be warned that a failure to attend the hearing will mean that a decision will be made in their absence based on the information available.</p> <p>*Template letter Appendix 3</p>
6	DISCIPLINARY HEARING
	<p>Should the employee fail to attend the disciplinary hearing, the hearing will be convened in their absence. The employee will be informed of the outcome by letter. A decision may be made to summarily dismiss the employee on the grounds of gross misconduct without notice.</p> <p>The letter will be sent by standard delivery and recorded delivery, and will provide details of how the employee is able to appeal.</p> <p>Following the dismissal, the line manager is responsible for advising payroll of the termination date and any outstanding leave owed to the employee.</p>

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7	WHAT HAPPENS IF THE EMPLOYEE MAKES CONTACT AND/OR RETURNS TO WORK
	<p>If the line manager makes contact with the employee and/or the employee returns to work, the manager should make immediate enquiries into the reasons for his/her absence and his/her lack of contact with the organisation.</p> <p>If the employee can give adequate explanations for his/her absence and lack of contact, the manager can conduct a return-to-work interview. If the employee is unable to provide an adequate explanation for his/her absence and lack of contact, the manager may treat the absence and the failure to follow the absence reporting procedure as disciplinary matters. The circumstances should be discussed with the HR department.</p> <p>If the employee claims to have been sick (to the extent that this has prevented them from contacting the department), the manager can ask for reasonable evidence of this. If the employee is unable to provide sufficient evidence, the manager may consider whether or not the claimed sickness absence is accepted.</p> <p>If the manager considers the employee's failure to attend work to be potential gross misconduct, the matter should be discussed with HR and the UHB's Disciplinary Procedure will be followed.</p>
8	UNAUTHORISED ANNUAL LEAVE
	<p>If an employee has been refused a request for annual leave, but declares that they intend to take the time off anyway, the employee's line manager should write to the employee instructing them to attend work. The letter should confirm that:</p> <ul style="list-style-type: none"> - the leave request (for the specific dates) was legitimately declined; - they are expected to attend work as usual; and - failure to do so will be unauthorised absence, be unpaid and may result in disciplinary action, which could result in summary dismissal for gross misconduct. <p>The letter should invite the employee to reconsider their expressed intention to be absent.</p> <p>If, having sent this letter, the employee fails to attend work during the period of leave requested, either by stating that they are sick or by making no contact, the manager should treat the absence as unauthorised and the UHB's Disciplinary Procedure will be followed.</p>

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APPENDIX 1

*** Unauthorised Absence Letter 1**

<Date>

Recorded Delivery & 1st Class Post

PRIVATE AND CONFIDENTIAL

<Name>

<Address>

Dear< Name>

UNAUTHORISED ABSENCE FROM WORK

You have been absent from work since [DATE], and you have not communicated any reason for your absence, or the likely duration of the absence in line with the requirements of your contract of employment. I have tried to contact you on[Provide detail of the method of contact and number of occasions]

As this unauthorised absence is viewed most seriously by the University Health Board, you are required to contact me within the next 3 days on [telephone number; bleep] to discuss the above absence. If you are experiencing any particular problems which are preventing you from attending work or reporting your absence, I shall be more than happy to discuss these when you contact me and ensure that support is provided.

If you do not contact me by [DATE; 3 days from date of this letter], I will have no alternative but to consider disciplinary action under the Cardiff & Vale University Health Board's Disciplinary Policy. Your pay may also be stopped for the duration of this unauthorised absence.

Finally, I would also like to remind you of the services available through Cardiff and Vale UHB's Employee Wellbeing service and Occupational Health which can be found on the following link www.cavuhb.nhs.wales/staff-information/your-health-and-wellbeing/

I look forward to discussing this matter with you.

Yours sincerely

<Name>

<Manager's Title>

<Department/Directorate>

APPENDIX 2

*** UNAUTHORISED ABSENCE LETTER 2**

<Date>

Recorded Delivery & 1st Class Post

PRIVATE AND CONFIDENTIAL

<Name>

<Address>

Dear <Name>

UNAUTHORISED ABSENCE FROM WORK

Further to my letter dated [DATE], advising you to contact me within the next 3 days; unfortunately, you have still not made any contact. I have tried again to contact you on[Provide detail of the method of contact and number of occasions]

A failure to attend work without providing a reasonable explanation as to why you cannot do so is a breach of contract and may be considered as gross misconduct in accordance with the Cardiff & Vale Disciplinary policy. Therefore, if I do not hear from you by [DATE], a Disciplinary Hearing will be arranged, which you will be required to attend. You will be entitled to be accompanied by an officer or representative of a recognised Trade Union, Staff Association or Professional Organisation, or to be accompanied by a workplace colleague not acting in a legal capacity. The outcome of this Disciplinary Hearing may result in summary dismissal of your employment.

Details of this Disciplinary Hearing will be forwarded to you in due course.

Please be aware that instructions have also been sent to payroll to stop your pay.

I look forward to discussing this matter with you.

Yours sincerely

<Name>

<Manager's Title>

<Department/Directorate>

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APPENDIX 3

*** UNAUTHORISED ABSENCE LETTER 3 – INVITE TO A DISCIPLINARY HEARING**

<Date>

Recorded Delivery & 1st Class Post

PRIVATE AND CONFIDENTIAL

<Name>

<Address>

Dear <Name>

UNAUTHORISED ABSENCE FROM WORK

I write further to my letters dated [DATE] and [DATE] requesting that you make contact with me by [DATE] to discuss your continued unauthorised absence from work. Unfortunately, you have still not made any contact. I have tried again to contact you on[Provide detail of the method of contact and number of occasions]

As advised in my previous letter, your continued failure to attend work or to provide any reasonable explanation as to why you cannot do so is a disciplinary issue and therefore, I must now inform you that a disciplinary hearing has now been arranged to consider the following allegation:

You have failed to attend work since [DATE] without providing any reasonable explanation as to why you cannot do so. Your absence is therefore unauthorised.

** This allegation may need to be amended as appropriate.*

If proven, this allegation could constitute gross misconduct and as a result, any disciplinary action taken on this matter could include dismissal.

The disciplinary hearing is convened as follows:

Date:

Time:

Venue:

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I will be the Disciplining Officer and will be accompanied at the hearing by [HR]. I have enclosed a copy of the previous letters which have been sent to you in respect of your continuing absence, along with details of the occasions when and how the Health Board has tried to contact you.

You will be given the opportunity to answer and/or defend yourself against the allegation. You are entitled to be accompanied by an officer or representative of a recognised Trade Union, Staff Association or Professional Organisation, or to be accompanied by a workplace colleague not acting in a legal capacity. Please note, if you are to be accompanied at the hearing, it is your responsibility to ensure that your representative is informed, as soon as possible, of the date, time and venue of the hearing, and to ensure their availability to attend. Additionally, [ROOM] has been made available for you to meet with your representative from [TIME] onwards on the day of the hearing.

If you wish to submit any information / documentation in support of your case, this should be forwarded to me by no later than [DATE]. Please note that information/documentation submitted after this date, up to and including the date of the hearing, will only be accepted at the discretion of the Disciplining Officer.

** Delete as appropriate.* The following staff will be asked to attend as witnesses:

You must not approach these witnesses before the Hearing.

If you wish to call any employees as witnesses, please contact me 14 days prior to the hearing date to agree these with myself. Once agreed, we will make arrangements to call the witnesses on your behalf.

You are reminded that you are expected to attend as indicated above. However, if you wish to present your case in writing, you will need to forward your written submission by [DATE – as above]. Please be aware that a failure to attend without providing a reasonable explanation or to offer a written submission instead will mean that a decision will be made in your absence based on the information available. The outcome could include dismissal.

As advised in my previous letter, instructions have also been sent to payroll to stop your pay.

I look forward to discussing this matter with you.

Yours sincerely

<Name>

<Manager's Title>

<Department/Directorate