**Clarification on Managerial Discretion.**

The last couple of years have created new challenges in how we support our staff. This challenge has been both to support staff if affected directly by the virus, and, those whose access to healthcare has been disrupted because of the impact of the pandemic on the NHS and available appointments. This briefing note aims to provide additional information for managers to support use of managerial discretion in managing employee attendance as outlined in the Attendance Management policy.

The **Supporting Attendance Guidance** continues to reflect the principle of Managerial Discretion, which enables us to support our staff through dialogue and understanding the unique circumstances which face the member of staff;

* + Reminding us that each case needs to be approached on a case by case scenario.
	+ Consider the likelihood of further sickness absence for the same reason (with medical advice).
	+ The importance of seeking appropriate advice e.g. Health and Safety, HR Case Management and HR Colleagues.
	+ Demonstrating that all the available options have been explored and exhausted, and that our staff are being provided with the best possible chance for a return to work.

The **Attendance Policy** also provides guidance, where a Line Manager decides that they would like to exercise discretion. The reasons for supporting this decision should be recorded,and consideration given to;

* The employee’s overall attendance record over the past 12 months. You may decide not to give a Written Improvement Warning following sickness absence which is uncharacteristic for an employee who has a positive work-focused approach and whose sickness absence record is otherwise satisfactory
* the likelihood of further sickness absence for the same reason. Occupational Health advice may help you to determine whether the employee is likely to be able to meet the attendance standard expected of them in future, see OH referral information on the intranet

[Her Majesty's Prison and Probation Service | Unsatisfactory attendance exclusions and Managers Discretion (HMPPS Connect) (sscl.com)](https://hmpps.myhub.sscl.com/hmpps-connect/HR-and-Pay/Being-away-from-work-Staff-being-away-from-work/managing-sick-absence/unsatisfactory-attendance-exclusions-and-managers-discretion)

* Consistency checks can form part of the attendance management meeting process. The purpose of which is not to influence or put pressure on managers to issue, or not to issue warnings, but to highlight inconsistencies and encourage managers to apply scrutiny to their decision making and take prompt action when triggers are breached.

Supporting Attendance [Absences - HMPPS Intranet (gsi.gov.uk)](https://intranet.noms.gsi.gov.uk/covid-19-coronavirus/staff-and-managers2/absences)

COVID 19 Guidance [Staff and managers - HMPPS Intranet (gsi.gov.uk)](https://intranet.noms.gsi.gov.uk/covid-19-coronavirus/staff-and-managers2)

Risk Assessment [Risk assessments - HMPPS Intranet (gsi.gov.uk)](https://intranet.noms.gsi.gov.uk/covid-19-coronavirus/staff-and-managers2/risk-assessments)

Staff Wellbeing [Staff Wellbeing - HMPPS Intranet (gsi.gov.uk)](https://intranet.noms.gsi.gov.uk/covid-19-coronavirus/staff-wellbeing)

For any queries regarding on-line information on the [COVID page](https://intranet.noms.gsi.gov.uk/covid-19-coronavirus) please contact HR\_DOC@.justice.gov.uk