# HR Guidance Absent without Leave including Letters

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## [I](http://www.intouch.ccc/elibrary/Content/Intranet/536/671/5053/6001/41410105256.doc)ntroduction

This document sets out the Absent without Leave (AWOL) guidance to be followed by Managers/Headteachers when dealing with an employee’s unauthorised absence from work. The aim of the AWOL procedure is to maximise attendance levels across the council/school, whilst also providing reasonable support to those absent. In addition it is to provide guidance to Managers with the aim of assisting their employees to return to work at the earliest opportunity.

## Scope

This procedure applies to all employees of Westmorland and Furness Council and all school based staff for whom there is no other specific procedure laid down in national or local conditions of service.

It applies if an employee:

* fails to comply with the sickness absence reporting procedure (or provide the required evidence within the required time period)
* fails to attend work
* fails to return from holiday or
* is absent from work for any other reason without approval.

If an employee is absent from work without good cause and/or fails to properly and effectively notify their Manager/Headteacher of his/her absence, this may be treated as a serious disciplinary offence.

## Principles

An employee will be considered as AWOL when they are absent from work and have not contacted their manager or any other nominated person to advise of the absence from work.

Employees have a contractual duty to attend work in accordance with agreed working practices, unless authorisation has been given for absence. The absence management/Time off Work procedure, including notification requirements, must be adhered to. Failure to attend work and/or to report absence may be treated as a matter of gross misconduct within the disciplinary procedure.

Managers/Headteachers will treat each case individually and be mindful of the need for consistency in their approach. Consideration should be given to the council’s duty of care to employees, exploring reasons for absence in order to prevent or minimise any absences reoccurring. Also the employee’s past history should be taken into account, including whether similar events have happened before and whether there may be any known issues which could have triggered the event.

An employee will be considered as AWOL when they are absent from work without having acquired the relevant authorisation or adhered to the required notification process.

## Process

Where an employee appears to be AWOL the following guidance should be applied. It should only be applied after the Manager/Headteacher has made initial attempts to contact the employee.

The application of this procedure could result in formal action being taken against the employee, including the termination of the employee’s contract. Therefore, the manager must contact HR prior to implementing this procedure and issuing any correspondence for advice.

## Timeline/Actions

### Day 1 of absence

If an employee has failed to attend work without authorisation the Manager/Headteacher should try to make telephone contact with the employee. This should be documented on the PA9 contact sheet contained within the Absence and Wellbeing procedure, stating the date, time, message left and response received (if any). The Manager/Headteacher should ensure that they offer any appropriate support to employees who are having difficulties in attending work. In extreme situations it may be appropriate for the Manager/Headteacher to undertake a home visit or contact the Police.

However if the Manager/Headteacher has been unable to contact the employee by the afternoon of the first day of unauthorised absence, efforts will be made to contact the employee’s next of kin/emergency contact. The next of kin/emergency contact should be asked to contact the Manager/Headteacher in the event that the employee is located and unable to make contact themselves.

### Day 2 of absence

The Manager/Headteacher will try to make telephone contact with the employee again, and keep a record as stated above. If unable to make contact, the Manager/Headteacher will send a letter inviting the employee to an informal meeting to discuss the situation (AWL 1). The letter should be sent by recorded delivery and also by personal email if their email address is known.

The letter will remind the employee of the absence reporting procedure, ask them to make contact and remind them of the support available. It will also notify the employee that no salary will be paid for the unauthorised days of absence unless medically certified.

### Day 4 of absence

If no contact has been made, the Manager/Headteacher will try to make telephone contact with the employee again and keep a record as stated above.

Managers/Headteachers must ensure that prompt action is taken where it is necessary to ensure that the unauthorised absence is recorded and employees pay is suspended for any unauthorised days via the HR admin, recruitment and payroll services.

### Day 7 of absence

The Manager/Headteacher will try to make telephone contact with the employee again, keeping a record of all communication. If contact is not made, the Manager/Headteacher will send a second letter (AWL 2) by recorded delivery and email (if applicable). The letter will state the dates of the unauthorised absence and explain the actions taken so far to contact the employee.

The letter will invite the employee to a formal meeting to discuss their absence (providing 10 calendar days’ notice of the meeting) and clarify that if they do not attend or provide a reason for their continued unauthorised absence, the meeting will proceed in their absence.

The letter will advise the employee of their right to be accompanied by either a TU representative or work colleague at the meeting.

### After Day 14 of absence

The formal meeting for unauthorised absence will be held, the meeting will be chaired by the Manager/Headteacher.

Should the colleague fail to attend or communicate a second letter will be sent inviting them to attend another formal meeting for unauthorised absence (AWL 3). This letter will state that failure to attend the meeting will result in termination of employment.

In all steps of this guidance the Manager/Headteacher may delegate responsibility to a nominated Manager/Supervisor to undertake the attempts at contact on their behalf. Where a personal email address is known for an employee this may be used as an additional method of communication.

### Next Steps

Where the employee does not attend the formal meetings or provide any explanation for their continued absence, after the meeting is concluded a letter will be sent to the employee (AWL4). The letter will state that as no contact has been made it is assumed that they no longer wish to work for Westmorland and Furness Council and have therefore resigned, as such their employment will be terminated (from the date of the last meeting). The letter will also include a request for the return of any council equipment or property within 2 weeks.

Following the termination, the Manager/Headteacher is responsible for advising the HR admin, recruitment and payroll services of the termination date, that the employee has resigned and advise of any outstanding leave to be paid.

### Considerations

If the employee makes contact and returns to work or agrees a return to work at any stage of this guidance the Manager/Headteacher must arrange a meeting with the employee to discuss the absence, offer support and identify why no contact was made.

This conversation should be held in accordance with the fact finding procedure (disciplinary) and will inform whether further formal action is required.

If pay was suspended during the unauthorised absence, the Manager/Headteacher must contact the HR admin, recruitment and payroll services if the employee returns and submits a Fit note to ensure that pay resumes. Where the absence was not certified or there is no satisfactory reason for the employee not seeking authorisation for the absence, pay deducted for the days the employee was AWOL will not be reinstated.

Should an employee fail to provide an up to date Fit note Managers/Headteachers are required to contact the employee, if contact is not made a letter should be sent requesting the employee contact as soon as possible (AWL 5).

## AWL1 Invite to initial meeting

Date:   
Name:   
Address:

**Private and confidential**

Dear name

**Absent without leave – Invite to informal absence meeting**

I am sorry to see that you are absent from work. Your absence commenced on xxxxxxx however I have not received any communication from you and you have not submitted a Fit note. I have also tried contacting you on both your mobile and home phone on xxxxxx and xxxxxx, each time I have left a message for you to contact me to discuss your absence. You have not responded or returned any of my calls.

As you may be aware you have not followed Westmorland and Furness Council’s absence reporting procedure. You are therefore considered as absent without leave which is considered as gross misconduct, as such no salary will be paid for the unauthorised days of absence unless medically certified.

I am inviting you to attend an informal meeting with myself to discuss your absence as follows:

Date:   
Time:  
Location:

Should you need any support may I remind you of the support provided by the council, details on the following links:

Link(s) to be added

If we do not receive contact from you by xxxxxx, we will proceed with formal disciplinary action in order to discuss your absence further.

Yours sincerely

Signature:  
Name:  
Job title

## AWL2 Invite to formal meeting

Date:   
Name:   
Address:

**Private and confidential**

Dear name

**Subject: Absent without leave**

I write further to my letter of date requesting your attendance at a meeting with myself at venue on date. You did not attend this meeting. My letter advised that if you failed to attend I would invite you to a formal meeting to discuss your continued absence further. I therefore invite you to attend a meeting at which you are entitled to representation, details as follows:

Date:   
Venue:   
Time:

Please can you contact me to confirm your attendance by xxxxxx and the name of the person who will be supporting you if applicable. I also ask that should you have any points for me to take into consideration on the day to submit these to me by date. May I remind you that being absent without authorisation and failure to contact or provide a medical certificate is in breach of your terms and conditions of employment and therefore will result in non-payment of sick pay. Your pay was suspended on xxxxxx.

Should you need any support may I remind you of the support provided by the council, details on the following links:

Link(s) to be added

Please be advised that if you fail to attend this meeting without good cause we will assume you no longer wish to work for Westmorland and Furness Council and therefore this may lead to the termination of your employment.

Yours sincerely

Signature:   
Name:   
Job title:

## AWL3 Invite to second formal meeting

Date:   
Name:  
Address:

**Private and confidential**

Dear name

**Subject: Absent without leave**

I write further to my letter of date requesting your attendance at a meeting to discuss your continuing absence. In addition I requested you attend a formal meeting on date with myself at venue. You did not attend either meeting and there has been no communication from you. I therefore invite you to attend another formal meeting, details as follows:

Date:  
Venue:  
Time:

Can you contact me to confirm your attendance by 5pm on xxxxxx. I also ask that should you have any points for me to take into consideration on the day to contact me by date to advise of these. May I remind you that being absent without authorisation and failure to contact or provide a medical certificate is gross misconduct and therefore will result in non-payment of sick pay. I must also advise you that failure to attend this meeting without good cause will lead to the termination of your employment.

If you feel you need any support may I remind you of the support provided by the council, details on the following links:

Link(s) to be added

If there is no contact from you we will assume that you no longer wish to work for Westmorland and Furness Council and will terminate your employment effective from the day of the meeting/the last day of your most recent fit note, insert date.

Yours sincerely

Signature:   
Name:   
Job Title:

## AWL4 Notification of termination

Date:   
Name:   
Address:

**Private and confidential**

Dear name

**Subject: Absent without leave**

I write further to my letter of date requesting your attendance at a meeting with myself at venue on date and also my letters of date and date to attend a formal meeting to discuss your continuing absence from work.

My letter advised that if you did not attend the meeting on date, I would look at making a decision with regards to your continued employment and that this may lead to the termination of your employment due to failure to follow the absence reporting procedure based on the evidence available to me. I also asked that should you have any points for me to take into consideration on the day to contact me by date. I note to date that we have not received any contact from you.

Therefore taking into account all the evidence available to me I have formed the following conclusions (state findings):

Length of absence  
Colleague/doctor unable to provide an expected return to work date  
Offers of adjustments

As previously advised, if there is no contact from you we will assume that you no longer wish to work for Westmorland and Furness Council and that you have resigned. Your employment will be terminated effective from the day of the meeting/the last day of your most recent fit note, insert date.

I can confirm you will receive outstanding holiday pay or other monies owing will be paid to you on the next available pay day. Your P45 will be posted to your home address.

Yours sincerely

Signature:   
Name:   
Job Title:

## AWL5 No current fit note

**Private and Confidential**

Date:   
Name:   
Address:

Dear name,

**Absent without authorised leave**

I have attempted to contact you on xxxxxx and xxxxxx to discuss your current absence which commenced on xxxxxxxx however have been unable to contact you.

Can I please draw your attention again to the Absence and Wellbeing procedure (I have enclosed a copy). It is your responsibility in line with your contract of employment to keep your manager informed as to the likely duration of your absence and if there are any supportive measures we can put in place throughout your absence.

Your absence levels have reached a point of concern and it is essential that I hold a Support interview/Absence management meeting with you in the near future. Should you need any support may I remind you of the support provided by the council, details on the following links:

Link(s) to be added

Your last Fit note expired on xxxxxxx. Since you did not attend work I can only assume your absence is continuing. Employees must make sure that any absence period is covered with a Doctors Fit Note/or self cert. Can you please submit the relevant certification, otherwise payment of your sick pay will cease for any period not certified.

Please contact me by xxxxxxx. Failure to do this may lead to further action being taken.

Yours sincerely

Signature:   
Name:   
Job title: