

## PROCEDURE FOR DEALING WITH CASES OF INCAPACITY BY REASON OF ILL -HEALTH

### PART 1

#### 1 POLICY STATEMENT & SCOPE

- 1.1 The Royal Veterinary College is committed to the creation of a safe working environment and supporting the staff who work here. To this end the College takes seriously its responsibilities under Health & Safety, Equality and general Employment legislation.
- 1.2 This policy is an expression of that commitment, and aims to ensure that appropriate support is provided to those absent from work due to ill -health. It also provides a framework for the provision of appropriate support and assistance to those looking to return to work on a sustained basis after a period of sickness absence.
- 1.3 Although for operational reasons it is not possible to accommodate indefinitely all sickness absence, whether repeated short-term or long -term, this policy confirms the intention of the College to:
- x provide a sympathetic, equitable and consistent process for dealing with employees whose attendance or work performance are affected by ill health;
  - x ensure that there is regular and appropriate communication between an employee suffering from ill health, their manager and Human Resources (HR);
  - x ensure that if an employee's attendance or work performance is affected by ill health, appropriate steps are taken to ascertain the nature of their illness and that no decision is taken concerning their employment without consulting with them first.
- 1.4 Employees should be interviewed on their return from any absence in order to explore its cause, to facilitate the individual's return to work and to identify any reasonable and practical steps which may help ensure that attendance for work on a sustained basis is achieved and maintained.
- 1.5 Performance problems arising from ill health will normally be dealt with under this procedure. Performance problems arising from any other cause will be resolved in accordance with the appropriate disciplinary procedure.
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1.8 This policy and procedure applies to all staff groups. Managers are responsible for ensuring that their staff

5 MEDICAL ASSESSMENT

5.1 Before the commencement of any formal action under this policy and procedure, it is essential to ascertain the medical position of the employee.

5.2 Where:

- x a regular pattern of short term absence has been identified by an employee's manager or
- x an employee is absent from work due to long term ill -health; or
- x the performance of an employee attending for work may be affected by ill -health;

- 7.2 GP's or specialist medical advisers will not be approached by the College, unless the employee has consented to this by signing the standard medical consent form. This will be provided to them by Occupational Health, together with written confirmation of their referral for a medical assessment. Any costs associated with obtaining the medical assessment will be borne by the College.
- 7.3 Employees have the following rights in relation to any report provided by their GP or specialist:
- x to withhold consent to the obtaining of a medical report, in which case the College would be obliged to act solely on the basis of the information available to it, and the employee would be advised of that fact;
  - x to request to see any medical report before it is sent to the College (they have 21 days in which to do so before it is sent);
  - x to request any amendments before issue, or if the GP or specialist is not willing to comply with such a request, to add a statement of their own
- 7.4 This policy envisages a medical assessment being made at the outset of any procedure but updates to any medical assessment may be sought at appropriate times by the College during

- x will be entitled to be accompanied by an official of a Trade Union or work colleague;
- x must advise HR if they are being accompanied, and by whom, at least two working days in advance of the hearing;
- x must submit any additional medical evidence they wish to be considered at the hearing at least two working days in advance .

9.3 If the employee wishes to be accompanied at the hearing, they must give the name of the person to their manager two working days beforehand. It is the responsibility of the employee to ensure that the person accompanying them is provided with all and any documentation and information they consider necessary, including the date, time and location of the hearing. At the hearing, the person accompanying the employee may put the employee's case, sum up and confer with the employee, but they may not answer questions on the employee's behalf or prevent the manager from explaining his or her case. It is normally helpful to agree on the respective roles of the different parties at the commencement of the hearing.

9.4 If the employee or their companion cannot attend on a proposed date they can suggest another date if reasonable and no later than five working days after the original date proposed by the manager unless otherwise mutually agreed. The College reserves the right to hear the case in the employee's absence should the circumstances require it. In the sensitive matter of ill- health it is preferable that the employee attends the hearing in person and the College will seek to make all reasonable arrangements to enable them to do so. However, provided the specified notice has been given the College reserves the right to hold long term incapacity hearings in the employee's absence.

9.5 At the hearing the manager will be accompanied by an HR representative who can advise on procedure.

## 10 PROCEDURE FOR INCAPACITY HEARINGS

10.1 At the start of the hearing, the manager will detail the instances of absence, the reasons for concern and review:

- x the medical evidence and the prognosis (how soon and to what extent the employee's health is likely to improve);
- x whether there is alternative work available that it would be appropriate for the employee/College to consider;
- x the effects of the employee's absence/performance issues on the College;
- x any adjustments that could be considered.

10.2 The employee or their representative will be able to:-

- x comment on the manager's concerns
- x mention any difficulties they are experiencing;
- x refer to additional medical evidence if relevant and previously supplied.

10.3 When the manager has heard all the facts and is in a position to decide on a course of action one or more of the following outcomes may be appropriate:

- x to take no further action, in which case the employee will be formally advised;
- x to agree appropriate adjustments to the employee's job content, work patterns, working environment, equipment or training;

- x to monitor the situation and review it regularly with the employee, setting targets if appropriate for improvement in attendance, in which case the date and purpose of the initial review meeting will be agreed;
- x to advise the employee that ultimately dismissal may be considered at a later stage if attendance targets are not met or improved attendance is not achieved;
- x to advise the employee that dismissal is to be considered due to the serious nature of their ill health and that a recommendation to this effect will be made.

10.4 The outcome of the hearing, including all agreed future action, will be confirmed in writing, normally within five working days. The employee will also be notified in this letter of their right to appeal (see Part 2 below).

## 11 DISMISSAL IN ACCORDANCE WITH THIS PROCEDURE

11.1 If it is established that an employee's ill-health permanently prevents them from performing their current role to an acceptable standard, wherever possible, consideration (subject to operational constraints) will be given to redeploying the employee to another role appropriate to their skills, knowledge and experience.

11.2 Where the medical assessment is one of permanent ill-health, early retirement on grounds of ill-health will be arranged wherever possible, bearing in mind the consideration of whether the employee is a member of the College pension scheme, and subject to the rules of that scheme pertaining at that time. However, there is no obligation on the part of the College to seek to obtain ill-health retirement on the part of the employee, and the success of any such application cannot be guaranteed.

11.3 Regrettably, where the medical assessment indicates continued long term absence of such duration that the College could not reasonably be expected to wait for recovery and where ill health retirement is not a viable option, dismissal may be the only alternative.

11.4 Any decision to dismiss would be on the basis that full contractual pay in lieu of notice would be paid.

## 12 RESPONSIBILITIES UNDER THE PROCEDURE

### Employee's responsibilities

12.1 Employees are responsible for ensuring that they follow the appropriate sickness notification procedures. If the absence exceeds the maximum for self-certification (seven calendar days) the employee must provide a medical certificate covering the full period of absence.

12.2 Failure to comply with either of the above requirements may be considered as a disciplinary matter and could affect the employee's occupational sick pay.

12.3 In addition, employees are responsible for keeping their manager and if appropriate, HR, fully up to date with any changes in their medical condition so that any necessary adjustments to their work or working environment can be made. Failure to comply with this responsibility could prevent the College from offering support it might otherwise be able to provide.

## Manager's responsibilities

- 12.4 Managers are responsible for the monitoring of attendance levels and patterns of absence of their staff.
- 12.5 As part of their normal management responsibilities, managers should conduct informal return -to-work discussions with staff coming back to work after a period of sickness absence. Such discussions should certainly be held on the return to work of any member of staff whose attendance is a matter of concern.
- 12.6 The purpose of return-to-work discussions is to ascertain the reasons for the sickness absence, whether further absences for the same or related reasons can be anticipated, and whether any support can be provided to the employee to ensure that such absence is kept to a minimum. Managers should make and retain a note of the content and outcome of return-to-work discussions.
- Guidance on return-to-work interviews is available from HR by clicking [here](#).
- 12.7 When a manager decides that application of this procedure is appropriate, they have a responsibility to act consistently, promptly and reasonably when dealing with individual employees and their particular



- 3.4 In line with College policy the appellant may be accompanied by a work colleague or an official of a recognised trade union. The College does not permit the attendance of solicitors or other external representatives at internal meetings.
- 3.5 If the appellant wishes to be accompanied at the appeal by an official of a recognised trade union or work colleague, it will be their responsibility to provide Human Resources with the name of their representative,

5.3 Having set out their written response to the appellant's case beforehand, the role of the responding manager is to summarise why they took the decision that they did , explaining why their decision was reasonable, given the circumstances.

The HR Adviser

5.4 A senior member of Human Resources will advise those hearing the appeal on matters of procedure, Employment Law and best practice. HR will also provide an administrator to act as clerk to the hearing and take a record of proceedings.

## 6 CONDUCT OF APPEAL HEARINGS

6.1 Those hearing the appeal will consider the written submissions of the appellant and responding manager, together with any oral statement they might wish to make. Both sides may question each other and call and question witnesses in support of their case. If witnesses are called, they may only remain at the hearing for the period of their evidence and questioning. At the end of the appeal, both sides will be given the opportunity to sum up.

6.2 The appellant will receive written notification of the outcome of the appeal within ten working days of the hearing. They will also be advised that the outcome of their appeal marks the end of internal consideration of their case.

## 7 OUTCOMES

The available outcomes under this procedure are as follows:

### 7.1 Appeals Other than Against Dismissal

To allow the appeal and expunge the decision from the appellant's record.

Or

To adjust the decision.

Or

To dismiss the appeal.

### 7.2 Appeals Against Dismissal

To allow the appeal and reinstate the appellant, making recommendations as to any appropriate reasonable adjustments to facilitate the appellant's return to work on a sustained basis.

Or

To reject the appeal and uphold the dismissal.

Last reviewed Nov 2015