



Capability health procedure for academic support staff

Policy

The School's policy in relation to sickness absence is to support employees by paying sick pay and investigating absence in conjunction with the sickness absence procedure. This will normally be carried out through return to work interviews and the referral of employees for occupational health assessments primarily in cases of long-term or recurring short-term absences. The aim of such a referral is to provide the necessary support to enable the employee to return to work and/or continue working in their post where reasonably practicable.

Procedure

The procedure is intended to:

- provide a sympathetic, equitable and consistent process for dealing with employees whose attendance or work performance are affected by ill health in order to ensure as far as possible that they are given the necessary support to enable them to attend work on a substantive basis;
- encourage regular and appropriate communication between an ill employee and his/her manager, and, where appropriate, the HR Division;
- ensure that, where an employee's attendance or work performance are affected by ill health, appropriate steps are taken to ascertain the nature of that illness, and that no decision is taken concerning his/her employment without consultation with him/her.

In order to ensure as far as possible that employees are treated fairly and consistently in accordance with the policy and procedure, all sickness absence must be reported to Human Resources. Both managers and employees are responsible for ensuring that they are fully aware of

their obligations for reporting sickness absence as detailed in the Sickness Absence Procedures. Hard copies are available on request.

1. Scope of the procedure

- a) This procedure applies to all Academic Support Staff.
- b) Only work performance problems arising from an employee's ill health will be dealt with under this procedure. Performance problems arising from any other cause shall be resolved in accordance with the appropriate disciplinary or capability procedure.
- c) The definition of a manager for the purposes of this procedure is any employee of the School, including Heads of Departments, with line management responsibility for one or more members of the academic support staff.
- d) Formal resolution of operational problems arising from an employee's capability - health must always be sought by means of this procedure unless another procedure is more appropriate (see section 3).

2. Exclusions

- a) This procedure does not apply to employees during their review period of employment with the School, or extension thereof (see Review Periods, Guidance for Managers and Employees). However, where performance problems are a result of ill health, medical information shall be obtained in accordance with sections (6-8).
- b) This procedure does not apply to:
 - underperformance/absence that can be attributed to a deliberate failure, and/or negligence or other forms of misconduct that may more appropriately be dealt with under the Disciplinary and Dismissals Procedure for Academic Support Staff
 - underperformance that is not attributed to a medical condition and which may more appropriately be dealt with under the Capability Policy and Procedure for Academic Support Staff.
- c) Should it become apparent at any stage of using this procedure that the issues being addressed are alcohol or drugs-related, a manager may decide to suspend the use of the Capability - Health Procedure if an offer of referral for assessment and advice on treatment is accepted. If this offer is declined, then the Capability - Health Procedure shall continue as normal. In such cases, reference should be made to the Alcohol and Drugs Policy and Procedure.

3. Roles and responsibilities

- a) Employees have a responsibility to:
- ensure that they follow the appropriate sickness absence procedures should they fall ill (see paragraph 1(c)).
 - provide a medical certificate in accordance with the Schools sickness absence procedures (see paragraph 1(c)) after a period of continuous absence exceeding the maximum for the self-certification of absence due to ill health.
 - take all reasonable steps to attend either an Occupational Health referral or capability - health hearing arranged under this procedure.
- b) Failure to comply with these responsibilities could prevent the School from offering support it might otherwise be able to provide and may lead to disciplinary action or affect the employee's occupational sick pay.
- c) Managers have a responsibility to:
- Monitor attendance levels and patterns of absence of their staff.
 - Contact your HR Partner where stress is the reason given for an absence, so that steps can be taken to find out if there are any work-related issues that need to be addressed. In such cases, managers should also refer to the Guidance on Managing Pressure and carry out a Stress Audit.
 - Ensure that they are in regular communication with a member of staff on sick leave. This includes maintaining contact with an employee who is on long-term sickness.
 - Conduct informal return-to-work discussions, in private, with staff returning to work after a period of sickness absence, whether short or long-term. Such discussions should certainly be held on the return to work of any member of staff whose attendance is a matter of concern. 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.
 - Where necessary, remind employees of the expected standards of attendance and warn them that formal action might be necessary if there is no improvement.
 - Confirm the content and outcome of return-to-work discussions in writing.
 - Request a medical assessment promptly and arrange a capability health hearing in cases of long-term absence/illness or where the outcome of a return to work interview has not resulted in an improvement in the level of short-term absence.
 - Take account of any medical evidence supplied by, or on behalf of, the employee concerned.
- d) To ensure consistency of the application of this procedure, managers must seek the advice of their HR Partner before making any decisions. Guidance on return-to-work interviews can also be provided by your HR Partner.
- e) Should an employee need assistance in understanding either the policy or procedure or any documentation in connection with this, he/she should seek advice from their HR Partner or a trade union representative. HR does not provide employees with specific advice relating to individual circumstances.

4. Capability - health

- a) Where an employee's ill health, or the pattern or level of his/her absence due to ill health affects his/her ability to carry out the duties that s/he has been employed to perform, it shall be regarded as a capability - health problem, which may be short or long term.

Short-term absence due to ill health

- b) For the purposes of this procedure, a short-term absence due to ill health is one up to the maximum length of time covered by the self-certification procedure for reporting absence due to illness (ie. an absence of up to seven calendar days). If such short-term absences persistently recur, a total of **three** such absences within any period of three calendar months shall be regarded prima facie as falling within the scope of this procedure.

Long-term absence due to ill health

- c) A long-term absence due to ill health shall be a period of continuous absence exceeding the maximum length of time covered by the self-certification process for reporting absence due to ill health (ie. an absence of eight or more calendar days).

Performance problems resulting from long-term ill health

- d) Performance problems are resolved by means of the appropriate disciplinary or other procedures. However, employees may sometimes be affected by long-term ill health, which, though insufficiently serious to prevent them from attending work regularly, is serious enough to undermine their long-term work performance. In such cases, the provisions of this procedure will apply.

5. Medical assessment

- a) It is important to ascertain accurately the medical position regarding an employee before making decisions relating to his/her future employment.
- b) Where:
- a regular pattern of short-term sickness absence has been identified by an employee's manager,
or;
 - an employee is absent from work due to long-term ill health,
or;
 - the performance of an employee attending for work is affected by long-term ill health;
or
 - there are concerns regarding the impact of work on the health of an employee;

and where it has been established that resolution of the operational problems caused by such ill health cannot be achieved by informal means, the manager will consult with their HR Partner, who may, if appropriate, request a medical assessment of the employee.

- c) An occupational health doctor external to the School will conduct the medical assessment. The employee will be advised, in writing, by the occupational health provider that such an assessment has been requested and the time, date and location of the appointment.
- d) The employee will be asked to sign a medical consent form, allowing a summarised report to be sent to the School.
- e) It may be possible to refer the employee to an alternative, mutually acceptable medical specialist, if the employee can give good reason why a referral to the recommended occupational health doctor would not be appropriate. The School may also suggest a referral to an alternative medical specialist where an occupational health assessment is not considered to be appropriate.
- f) The School shall take all reasonable steps to ensure that such a referral is arranged in good time, and the employee will be expected to co-operate in this process. The unavailability of an alternative medical specialist will not be an acceptable ground for delaying a capability - health hearing indefinitely.
- g) It is usually considered reasonable to request employees who are absent due to ill health to attend such an assessment, and where necessary the School will arrange transport, including the reimbursement of any costs incurred to enable them to attend.
- h) Where an employee refuses to attend a medical assessment, a decision will be made on the basis of the information available, which could result in a disciplinary or capability - health hearing.

6. Purpose of the medical assessment

- a) The purpose of the medical assessment is better to understand the nature of the employee's ill health, and its implications for his/her future attendance or work performance. On its completion, a report shall be forwarded to HR.
- b) The report shall seek to provide the following information:
 - the nature of the ill health;
 - the estimated level of sickness absence likely to arise from the ill health;
 - the likely employment significance of any underlying medical condition and treatment;
 - the likelihood, and timescale, of a full return to work;
 - any adjustments that might reasonably be made to the employee's job or work environment that will facilitate a sustained return to work.

7. Report from the employees GP or specialist

- a) As part of the medical assessment, a report from the employee's GP or a relevant hospital specialist may be sought by the occupational health doctor. This is to ensure that all available, appropriate, information has been obtained before decisions affecting the member of staff's employment are made.
- b) Such reports shall be sought only after HR has obtained agreement to this from the employee, using the standard medical consent form. This form shall normally be sent to the employee with the letter confirming their referral for a medical assessment.
- c) The employee has the following rights in relation to any medical report provided by his/her GP or Specialist:
 - to withhold consent to the obtaining of such a medical report, in which case the School would be obliged to act solely on the basis of the information available to it, and the employee would be advised of that fact;
 - to request to see any medical report before it is sent to the School; the employee will then have 21 days in which to do so before it is sent;
 - to request that any medical report seen by him/ her be altered before issue, or, if the GP or relevant hospital specialist is not willing to comply with such a request, to add a statement of his/her own.

8. Outcome of the medical assessment

- a) On receipt of the medical assessment, HR shall inform the employees manager of the relevant facts from the report. On the basis of these facts, the manager shall decide on the appropriate course of action, in consultation with Employment Relations. This will be:
 - to take no further action, in which case the employee will be formally advised as such;
 - to consider the employee's absence, or poor performance, as a case for possible disciplinary action, should the medical assessment establish that there is no underlying medical reason for it. In this case, the employee will be formally advised as such, and an investigation commenced in accordance with the appropriate disciplinary procedure;
 - to deal with the issues informally, where the report indicates that there are minor short-term problems that can be easily resolved;
 - to convene a short-term capability - health hearing in cases of short-term absence;
 - to request that a long-term capability - health hearing be convened in cases of long-term absence or poor performance.
- b) The employee may have access to the medical assessment, on request to their HR Partner, and make observations on its content.
- c) The medical assessment shall be considered at any formal capability - health hearings subsequently arranged.
- d) Where the decision is that a capability - health hearing should be held, the manager shall write

a report, including the Occupational Health report, commenting on the recommendations made in it, normally within fifteen days of receiving the medical report. Employees will be notified in cases where it is not possible for the report to be written within this timescale. Once completed, the report shall be submitted to the next most senior manager in cases of long-term capability - health hearings.

Capability-health hearings

9. Notification procedures and right of accompaniment

- a) Where it is considered that either a short-term or long-term capability - health hearing is necessary, the manager convening the hearing, will write to the employee giving five working days' notice of the time, date and location of the capability meeting or hearing, and details of the matter to be considered, together with any documentation necessary to prepare his/her response. This will normally comprise the line manager's report and a copy of this procedure. This is to allow the employee sufficient time to prepare a response.
- b) In the case of long-term capability - health hearings, the employee shall also be advised if a potential outcome of the hearing is termination (see paragraphs 18(b) and (c) below).
- c) The employee shall be advised of his/her entitlement to be accompanied at the hearing by a work colleague or trade union representative. Capability - health hearings are internal proceedings; therefore attendance is restricted to employees of the School or representatives of recognised trade unions. Solicitors and any other non-employees may not attend capability - health hearings.
- d) Should the employee wish to be accompanied or call witnesses, it will be his/her responsibility to provide all the appropriate details, including the date, time and location of the hearing, as well as the details and documentation relating to his/her case.
- e) Employees must advise their HR Partner of the name(s) both of the person accompanying them to the hearing and any witnesses at least 24 hours prior to the hearing. Subject to the provisions of paragraph 10(c), the School will consider any reasonable suggestion from the employee concerning representation at the hearing.
- f) The companion will be able to confer with the employee during the hearing and will be allowed to address the meeting or hearing in order to put forward and sum up the employee's case, respond on the worker's behalf to any view expressed at the hearing and ask questions for clarification of any witnesses. The companion will not be able to answer questions on the employee's behalf.
- g) An employee shall take all reasonable steps to attend the hearing. Should the chosen companion be unavailable on the given date, the employee shall immediately request a postponement by proposing an alternative date and time, which should be within five working

days of the given date. Where this is not possible, the employee shall choose an alternative person to accompany him/her to the hearing.

- h) If the reason for the employee or companion being unable to attend the hearing is for reasons that were unforeseeable at the time of arranging the hearing, the employee will be notified of a new date, time and location by the Chair of the hearing. In cases where hearings are rearranged, it will not be necessary to provide a further five working days notice of the date, time and location. Provided the specified notice has been given, the School reserves the right to hold capability - health hearings in absentia.
- i) Whilst in the sensitive situation of long-term ill health, it may be more difficult for the employee to attend the hearing in person, it is preferable that he/she does so, and appropriate arrangements, including travel arrangements, shall be made, where requested.
- j) The circumstances of any action to be taken regarding a representative of a recognised trade union will be notified to a full time officer of that union.

10. In attendance

- a) The formal stages of the capability - health procedure (see sections 12 - 17) are designed to allow a case to progress through the normal management chain.
- b) The Stage 1 short-term capability - health hearing shall be chaired by the employee's line manager. The line managers manager will normally chair the Stage 2 and 3 short-term and all long-term capability - health hearings with the line manager attending to present the management case.
- c) In certain cases, it may be necessary for a manager other than the immediate line manager/his/her line manager to chair the hearing. In such circumstances, the employee will be advised of the reasons why this is the case.
- d) The manager chairing the hearing will be accompanied by a member of Employment Relations acting as advisor and a second member of Human Resources Division, who will take a written record of the hearing.

11. The procedure at capability-health hearings

- a) The Chair will explain the purpose of the hearing, introduce the parties and outline the procedure.
- b) The management representative will then present his/her case*.
- c) He/she may then be questioned, for the purposes of clarification, through the Chair of the hearing by the employee and by the Chair.

- d) The employee or companion will then be invited to state his/her case*.

*Employees and Management Representatives can call witnesses to support their case, either during their statement or after questioning has taken place. If witnesses are called they may only be present for the period of their statements and questioning. They will be questioned first by the person who called them, then in turn by the other side, the Chair and Employment Relations representative, if necessary. The Chair of the hearing reserves the right to call further witnesses at any stage of the hearing, if he/she feels that it would be helpful to do so for clarification.

- e) The employee may be questioned, for the purposes of clarification, by the Chair and by the management representative through the Chair. It should be noted that employees, not companions, will be required to answer questions put to them during the hearing.
- f) After each side's case has been presented and each party has had the opportunity to ask questions of clarification, the Chair will ask the employee, and then the management representative to sum up.
- g) The hearing will then be adjourned while the facts of the case are considered, and a decision made by the Chair. The hearing shall normally be reconvened on the same day for the decision to be given orally to the employee; however if the Chair requires additional time in making the decision, the hearing may be reconvened the following day.
- h) The employee should receive written notification of the outcome within five working days of a capability - health hearing; this notification shall inform the employee of his/her right of appeal, along with a copy of the Appeals Procedure.

Short-term capability-health

12. Stage one: short-term capability-health hearing

- a) Where a regular or persistent pattern of short-term absence is leading to operational difficulty, and where it has been established from the medical assessment report that such absence is related to ill health, the employee's manager shall convene a Stage 1 Short-term Capability - Health Hearing.
- b) At the hearing, the manager shall explain the purpose of the hearing and detail the instances of absence (for example, the number of days, the period over which the absence has occurred, the pattern of absence, etc.), together with the reasons why the absence is giving cause for concern. Reference will be made to the medical assessment report and informal steps that have been taken to try to address the absence as appropriate.
- c) The employee, or his/her companion, shall then be given an opportunity to ask questions for the purposes of clarification, comment on the managers concerns, raising any relevant factors

or proposals that should be taken into account when deciding on future action. Reference may be made to any additional medical evidence provided by the employee, as long as it has been submitted at least twenty-four hours before the meeting.

- d) When the manager has heard all the facts, and is in a position to decide upon a course of action, the options as set out in section 16, shall be considered.
- e) Where a capability - health warning is issued and the standards specified in the improvement plan have not been met or maintained, a decision should be taken as to whether to extend the review period in the event that significant progress has been demonstrated, or to progress to Stage 2 of the formal procedure by recommending that a Stage 2 Short-term Capability - Health Hearing be held. If the required standards have been met, the employee shall be advised in writing and the usual monitoring arrangements shall resume.

13. Stage two: short-term capability-health hearing

- a) The line manager shall submit a report to the manager who is to chair the Capability - Health Hearing, and all supporting documentation shall be appended to the report. The report will outline the outcomes of the monitoring process to date, identify further required improvements and make recommendations for any further support that could be provide to help the employee reach the standard(s) specified. Where necessary, further medical information shall be sought and included with the report.
- b) The letter from the Chair convening the hearing should make clear that the possible outcomes of the hearing could include a final capability - health warning.
- c) When the manager has heard all the facts, and is in a position to decide upon a course of action, the options as set out in section 16, shall be considered.
- d) Where a capability - health warning is issued and the standards specified in the improvement plan have not been met or maintained, a decision should be taken as to whether to extend the review period in the event that significant progress has been demonstrated, or to progress to Stage 3 of the formal procedure by recommending that a Stage 3 Short-term Capability - Health Hearing be held. If the required standards have been met, the employee shall be advised in writing and the usual monitoring arrangements shall resume.

14. Stage three: short-term capability-health hearing

- a) The line manager shall submit a report to the manager who is to chair the Capability - Health Hearing, and all supporting documentation shall be appended to the report. The report will outline the outcomes of the monitoring process to date, including an assessment of whether the employee can reach the required standard(s). Where necessary, further medical information shall be sought and included with the report.

- b) The letter from the Chair convening the hearing should make clear that the possible outcomes of the hearing could include dismissal with notice.
- c) When the manager has heard all the facts, and is in a position to decide upon a course of action, the options as set out in section 16, shall be considered.

15. Possible outcomes of hearings held under the short-term capability-health procedure

- a) Any or several of the following may be possible outcomes of a short-term capability - health meeting and/or hearing, but the list is not necessarily exhaustive.
 - No further action, in which case the employee would be formally advised as such.
 - A review period during which the circumstances relating to the individual's health will be monitored, in which event the length and objectives of such reviews shall be agreed and specified.
 - An agreed improvement plan, setting the objectives to be attained over a specified review period.
 - Consistent with the School's obligations under the Disability Discrimination Act 1995, if the medical advice is that the employee would be able to attend work on a substantive basis if reasonable adjustments were made to the place of work and/or method of work, consideration shall be given to whether this can be reasonably accommodated, and arrangements shall be made accordingly, along with an agreed review period (see section 19).
 - First Capability - Health Warning following a Stage 1 Short-term Capability - Health Hearing. It will include an agreed improvement plan as above and will warn that action under Stage 2 of the procedure will be considered if there is no satisfactory improvement.
 - Final Capability - Health Warning following a Stage 2 Short-term Capability - Health Hearing. It will include an agreed improvement plan as above and will warn that dismissal under Stage 3 of the procedure will be considered if there is no satisfactory improvement.
 - Termination of contract on grounds of capability - health following a Stage 3 Short-term Capability - Health Hearing where the employee has been unable to achieve, or to maintain the required attendance improvements agreed at the previous short-term capability - health hearing.
- b) Where the medical assessment is one of permanent ill health, early retirement on grounds of ill health shall be arranged wherever possible, bearing in mind the consideration of whether the employee belongs to one of the Schools pension schemes.
- c) Following the capability - health meeting or hearing, the employee will be advised in writing of the decision and reasons for it within five working days, including the right of appeal. Where termination of contract was the outcome of the hearing; the letter will also include the termination date and details of the appropriate period of notice.

Long-term capability-health

16. Long-term capability-health hearings

- a) Where long-term absence, performance problems or a combination of long and short-term absence are causing operational difficulty, and where it has been established by means of the medical assessment report that such absence or performance problems are due to ill health, a long-term hearing shall be convened.
- b) The hearing shall begin with the presentation of the management case by the employee's line manager. This should outline, with reference to the medical assessment report, the nature of the employee's ill health, the details of any absence arising from it, and its operational impact. Reference should also be made to all informal attempts to resolve the situation (for example, return-to-work discussions, counselling sessions or previous medical referrals).
- c) Either the employee or his/her representative shall then be given the opportunity to respond to the management case, with reference to any medical evidence he/she has obtained. To be considered at the hearing, such medical evidence must first be presented to Employment Relations at least 24 hours prior to the hearing.
- d) During the course of both presentations, and at their conclusion, the Chair may question both parties for purposes of clarification. Each party may question the other for purposes of clarification, if necessary through the Chair. Both parties shall be given the opportunity to sum up, with the managers summing up being given last.
- e) When all the facts of the case have been presented, the hearing shall be adjourned to enable the Chair to reach a decision. The hearing shall normally be reconvened on the same day for the decision to be given orally to the employee; however if the Chair requires additional time in making the decision, the hearing may be reconvened the following day. The decision shall be confirmed in writing, normally within five working days of the hearing.

17. Possible outcomes of long-term capability-health hearings

- a) Any or several of the following may be possible outcomes of a long-term capability-health hearing, but the list is not necessarily exhaustive.
 - No further action, in which case the employee would be formally advised as such.
 - Monitoring and review of the situation, depending on the circumstances of the case, in which event the length and objectives of such reviews shall be agreed and specified.
 - An agreed improvement plan, setting the objectives to be attained over a specified review period. This would be appropriate in cases of under-performance.
 - Consistent with the School's obligations under the Disability Discrimination Act 1995, if the medical advice is that the employee would be able to return to work on a limited

basis, or that he/she would be able to do so if reasonable adjustments were made to the place of work and/or method of work, consideration shall be given to whether this can be reasonably accommodated, and arrangements shall be made accordingly, along with an agreed review period (see section 19).

- Where the medical assessment is one of permanent ill health, early retirement on grounds of ill health shall be arranged wherever possible, bearing in mind the consideration of whether the employee belongs to one of the School's pension schemes.
- b) Inability by the employee to achieve, or to maintain, attendance or performance improvements agreed at a long-term capability - health hearing could lead to a further hearing being convened. At this subsequent hearing, consideration may be given to the termination of the employee's contract of employment on grounds of capability - health.
- c) Alternatively, where the medical assessment indicates continued long-term absence of such duration that the School could not reasonably be expected to wait for recovery, the conclusion may be reached that it would be inappropriate to draw out the process with further long-term capability - health hearings. In such circumstances, and where ill health retirement was not a viable option, a decision may be taken to terminate the employee's contract of employment, if appropriate.
- d) Following the capability - health hearing, the employee will be advised in writing of the decision and reasons for it within five working days, including the right of appeal. Where termination of contract was the outcome of the hearing, the letter will also include the termination date and details of the appropriate period of notice.

18. Making reasonable adjustments

- a) The School is committed to supporting employees who are unable to return to or continue with their full duties due to ill health by making appropriate adjustments to their role, where this is considered to be reasonable operationally and where medical advice indicates that this will enable the employee to return to their substantive duties within a reasonable timescale.
- b) Such adjustments will be in conjunction with medical advice received and may include phased return to work, reduced duties or a variation in working hours. Adjustments will normally be made on a temporary basis, but permanent adjustments will be considered where this is considered to be reasonable operationally.
- c) The period of the adjustments will be set in conjunction with the medical advice and progress will be monitored throughout to ensure that the employee is likely to be able to return to the agreed duties at the end of the period. Should this not be possible a further capability - health hearing will be held and additional medical advice may be sought, where appropriate. This may result in termination of the employee's contract if alternative work or ill health retirement are not possible options.
- d) During the period of adjustment, the employee will be paid either his/her sick pay entitlement or for the work being carried out, whichever is higher. The employee shall continue to submit

medical certificates for the period of adjustments and may be requested to attend further Occupational Health appointments if it is felt that this would be helpful.

19. Alternative employment

- a) Where medical advice indicates that an employee is not fit to return to his/her current post but alternative work would be possible, the School shall consider whether there is any suitable alternative employment.
- b) In order to determine what would constitute suitable alternative employment, the employee shall be asked for details regarding his/her experience and qualifications. This will be used, in conjunction with the medical advice, in assessing vacancies that are available at that time and for a reasonable time period afterwards, normally no longer than two months.
- c) Support shall be given to the employee by HR by identifying possible vacancies, helping the employee to find out more information if appropriate and discussing the employee's suitability for the post with the recruiting manager. Unless there are serious concerns about the employee's suitability for the post based on the application form, the employee shall be invited to interview, the purpose of which will be to assess whether or not they could satisfactorily undertake the full range of duties for the post.
- d) The job description and person specification will be sent to the Occupational Health doctor to confirm that the post is suitable in terms of the employee's medical condition. This should normally take place prior to the employee being interviewed for the post.
- e) If the employee is appointed to the post, this will be subject to a trial period, normally of three months. During the trial period, progress should be continually reviewed and monitored. Where the trial period is not successful, the employee will revert to the capability - health process to consider the remaining options of ill health retirement or termination of contract.
- f) If, following the trial period, there are further problems in attendance and/or performance due to the same reasons; the employee will revert to the capability - health process when the options of ill health retirement or termination of contract will be considered. If the problems are due to a different reason, the capability - health process will consider all possible options.
- g) Should the employee not be successful in finding alternative work within a reasonable timescale, he/she will revert to the capability - health process when the remaining options of ill-health retirement or termination of contract will be considered.

20. Termination payments

- a) Where an individual's contract of employment is terminated in accordance with this procedure, such termination shall be with full contractual pay in lieu of notice.

- b) An amount equivalent to any outstanding entitlement to occupational sick pay shall also be paid, which, in cases of disability or injury, will not be subject to tax.
- c) Consideration may be given by the employee's organisational unit to the payment of an ex-gratia termination payment, equivalent to one week's pay for every completed year of service, up to a maximum of ten years.
- d) However, ex-gratia payments cannot be guaranteed, and are subject to budgetary constraints and the circumstances of the particular case.

21. Appeals and grievances

- a) Employees should refer to the separate Appeals Procedure for information about the right to appeal against decisions made in accordance with this procedure and the steps to be followed in doing so.
- b) Where a grievance is raised in connection with the Capability-Health Procedure it will be considered under the Appeals Procedure for Academic Support Staff.

Review schedule

Review interval	Next review due by	Next review start
123	00/00/00	00/00/00

Version history

Version	Date	Approved by	Notes
123	00/00/00	abc	abc
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Links

Reference	Link
123	abc
123	abc

Contacts

Position	Name	Email	Notes
abc	abc	abc@lse.ac.uk	abc

Communications and Training

Will this document be publicised through Internal Communications?	Yes/ No
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