



University of the
West of England

PROCEDURE for dealing with matters of staff ILL HEALTH

PURPOSE AND SCOPE

- 1.1 This procedure sets out a framework for dealing with the management of staff ill health. The ill health, performance and conduct procedures are intended to help and encourage all employees to achieve and maintain satisfactory standards of work and performance. They are designed to inform staff of the likely consequences of their inability or failure to fulfil their work obligations. The aim is to provide a framework within which managers can deal with staff in a fair and consistent manner.
- 1.2 Notwithstanding the existence of these procedures managers, including senior managers, are encouraged where practicable to raise informally with an employee any matter which gives cause for concern before recourse to these formal procedures and without a formal record being made.
- 1.3 These procedures apply to all staff (other than those within their probationary periods to the extent that they are covered by separate arrangements) with the exception of members of those defined as 'senior postholders' for the purposes of the Articles of Government.
- 1.4 These procedures are subject to and to be interpreted in the context of the Articles of Government of the University. They take account of existing legislation and relevant Codes of Practice and need to be read in conjunction with other policies and procedures of the University.
- 1.5 The Vice-Chancellor has the authority to suspend or dismiss any employee other than a senior postholder and can delegate these powers to other members of the Directorate or the Director of Human Resources.
- 1.6 These procedures will be reviewed every two years to ensure relevance but may be revised more frequently if necessary to take account of changes in the law.

Addressing ill health, performance and conduct of staff – policy statement.

In line with UWE's core values and principles the University will strive to be a friendly, supportive, collaborative and trusting environment where staff in all roles are treated as individuals and diversity is valued. The University aims to assist all staff to work effectively, to maximise their contribution, enjoy job satisfaction and achieve their full potential. All staff have a responsibility to behave as professionals and a right to be treated with respect.

It is recognised that from time to time there will be issues relating to staff ill health, performance or conduct that need to be addressed. It is the policy of the University that all such matters will be dealt with in line with its core values, in accordance with the principles of natural justice and in a fair, impartial, consistent and timely manner.

Formal procedures and advice have been developed to support this policy and authority to take action under these procedures is as delegated by the Vice Chancellor. They need to be read and understood in the light of other policies and procedures of the University notably the Equal Opportunities policy, Dignity at Work policy, Probation procedures, Appraisal procedures, Grievance procedures and terms and conditions of service relating to sickness absence.

Note: There are three separate procedures – dealing with matters of ill health, performance and conduct. However they have been developed so that there is a commonality in guiding principles, levels of intervention, response and sanctions. The definitions, guiding principles and supporting appendices are common to all three.

III health procedure – contents

Contents	Page
Purpose and scope	1
Definition of terms used	4
Role of Human Resources	5
General principles	6
Managing sickness absence	9
Long term absence – initial stage	11
Stage 3	13
Short term absence – informal stage	14
Stage 1	15
Stage 2	16
Stage 3	18
Appendix A Investigation	19
Appendix B Conduct of meetings - Informal meetings	21
Stages 1,2 & 3	22
General points	23
Appendix C Appeal hearings - Formal Stages 1 & 2	25
Formal Stage 3 (appeal against dismissal)	27
Appendix D Suspension	29
Appendix E Summary of Procedure (Flow chart)	30

These definitions apply to all three procedures – ill health, performance and conduct – but need to be interpreted in the light of the particular procedure being used.

2. DEFINITION OF TERMS USED

The following terms are used in the document and it is important that all managers, staff and representatives have a clear understanding of their meaning.

‘Accompanied’ refers to the statutory right an employee has to be accompanied by either a fellow worker or an official/representative of a Trade Union during a meeting or appeal hearing held under these procedures.

‘Capability/ Ill health’ – where an employee is not capable of meeting the requirements of the role as a result of ill health (usually manifesting itself in long term absences or frequent short term absences from work or attendance at work despite an impairing and underlying medical condition).

‘Colleague’ is a person chosen by the employee to accompany/represent him/her to a meeting or hearing and who is either a fellow worker employed by the University or an employee or official/representative of a Trade Union. The ‘colleague’ has an important role to play in supporting an employee and may present the employee’s case, confer with the employee, be nominated to ask questions and otherwise participate on the employee's behalf. However they can not be nominated to answer questions in substitution for the employee.

‘Competence’ – refers to matters associated with the employee’s suitability, capacity, and efficiency to carry out his/her work to a standard acceptable to the University. This will include the employee’s sustained ability in terms of meeting specific statutory or professional requirements necessary to undertake their work.

‘Formal meeting’ a meeting held under the terms of these procedures.

‘Line Manager’ is the person to whom a member of staff reports and is directly responsible.

NB. A line manager taking formal action under these procedures should be at a minimum level of grade F, or Head of Department for academic staff. Informal action can be taken by managers below this level as considered appropriate.

‘Misconduct’ – matters connected with an employee’s behaviour, inappropriate actions, deliberate wrongful acts or omissions, or other such substantial reason.

‘Panel’ comprises a minimum of two people who will consider the case under these procedures and make a decision regarding the outcome.

‘Poor Performance’ – occurs where an employee for reasons of competence is unable to undertake all of a role or to meet and/or maintain acceptable standards.

‘Representative’ refers to the person accompanying the employee and may more readily be used to describe an official/representative of a Trade Union. It does not however extend the role of colleague described above.

‘Recognised Trade Union’ is a trade union formally recognised by the University for the purposes of collective bargaining (e.g. NATFHE, UNISON & TGWU).

'Sanction' refers to a penalty decided by a formal panel set up under these procedures. This may be a written warning, final written warning, or dismissal.

'Senior Manager' is Head/Deputy Head of Service; Dean/Associate Dean of Faculty; or equivalent.

Role of Human Resources

Human Resources has a number of roles and responsibilities to undertake in support of these procedures. It is responsible for:

- ensuring the procedures are applied and operated in a consistent manner by advising managers on the interpretation and use of the procedures
- ensuring that managers are appropriately briefed and trained
- advising managers during the informal stages of a case
- issuing communications to employees required to attend formal meetings
- liaising with union representatives on interpretation of the procedures
- acting as a panel member or presenting the case during its formal stages
- setting up and communicating details of appeals (Stages 1&2)
- ensuring a proper record is maintained of the formal stages of a case

3. GENERAL PRINCIPLES

These are applicable to all three procedures but need to be read and interpreted in the context of the particular procedure in use.

- 3.1 The University will encourage a sensitive and constructive approach to addressing matters dealt with under these procedures and ensure that matters are handled as efficiently as possible, within reasonable time periods and that clear outcomes are achieved and communicated at all stages. Concerns about ill health, performance or conduct must be brought to an employee's attention without undue delay by the appropriate line manager. The University will, normally, offer managers help, support and reasonable appropriate training and development before activating these formal procedures – see also Appendix B for guidance on conducting informal meetings.
- 3.2 It is likely that a line manager will normally seek the opinion of a more senior manager before judging how best to deal with a particular issue. This is normal management communication and in no way compromises the more senior manager or prevents him/her from becoming involved in the issues at a later stage. Line management will seek the advice of Human Resources in all cases likely to involve formal action.
- 3.3 No action will be taken against an employee until an investigation has been carried out. Other than in exceptional or special circumstances, for example; fraud, or where there would be unacceptable personal risk, the employee concerned will be informed at an appropriate time that an investigation is being conducted. The investigation should be conducted within as short a timescale as is practicable, normally not exceeding 20 working days. Guidelines for conducting the investigation are set out in Appendix A.
- 3.4 Where a formal meeting is held under these procedures it will involve a panel of at least two managers, one of which will be a member of Human Resources.
- 3.5 The procedures would normally be initiated at Stage 1 but may be initiated at Stage 2 or Stage 3 if the employee's alleged misconduct, poor performance, or ill health warrants such action. The performance management procedure would be entered at stage 2 where an individual is failing to perform effectively within the reasonable expectations of the role and the consequences of such under performance are so serious that implementation of a lower level sanction would be inappropriate. Examples of this could include actions that result in significant financial loss; have a significant impact on the reputation of the University; or which have a significant adverse impact on the staff group. Where such action is appropriate the University will discuss this with the Trade Union representative or colleague as appropriate.
 - 3.5.1 In some circumstances it may be appropriate to move to the next stage well within the currency of a warning.
 - 3.5.2 No employee will be dismissed on the first occasion except in the case of gross incompetence, where the incompetence is deemed so serious that it could normally justify dismissal without notice or payment in lieu of notice or has otherwise caused a substantial breakdown in trust and confidence.
- 3.6 An employee will have the right of appeal against any formal sanction imposed. The person(s) hearing the appeal will not have acted as a panel member in respect of any earlier decision in the case and will follow the procedures set out in Appendix C.

- 3.7 Where evidence of a combination of misconduct and poor performance/ ill health is raised at the same time, this will normally be subject to one investigation. Where appropriate, one formal meeting will be arranged with all issues being addressed in that one forum, but with any sanctions being appropriate to the issues.
- 3.8 Ill health, poor performance and misconduct are all covered in separate procedures. It is possible however that a situation being dealt with under one element evolves into one that should be dealt with under another, for example a case of poor performance becomes one of capability due to ill health. In such situations Human Resources will advise on the most sensitive approach and it may be appropriate in such a case to implement the provisions of the ill health rather than performance procedure.
- 3.9 Where an employee presents a grievance relating to the case then the University's response will depend on the stage in the procedure that has been reached;
- a) Where a grievance is raised during a disciplinary process then, if the matters are unrelated, consideration should be given to temporarily suspending the disciplinary process in order to deal with the grievance until completion of stage two of the grievance.
- b) Where a disciplinary matter is raised during a grievance process then, if the matters are unrelated, the disciplinary process would normally be suspended until the completion of stage two of the grievance. Where the disciplinary matter is deemed serious it will be appropriate to deal with both issues concurrently. Consideration should also be given to appointing different managers to deal with each process.
- c) Where the grievance and disciplinary cases are related, then the cases would normally be dealt with concurrently. Consideration should also be given to appointing different managers to deal with each process.
- d) If the grievance fails and is judged to be vexatious this could become a separate allegation which could be dealt with under the conduct procedure.
- e) In all cases both parties will seek to ensure that the grievance process is concluded within appropriate timescales.
- 3.10 No formal action under these procedures will be taken against any employee who is an accredited Recognised Trade Union representative until the circumstances have been discussed with a full-time official of the Recognised Trade Union concerned.
- 3.11 The line manager, senior manager, the member of Human Resources sitting as a Panel member and other Panel members will as far as is possible have received briefing and/or training in the operation of these procedures.
- 3.12 All matters relating to the application of these procedures will normally be confidential to the parties concerned and their managers until the final decision (including any appeal) is taken and normally thereafter no information other than the decision may, unless the parties agree otherwise, be made known to any party or persons other than the employee, the employees representative, the Vice Chancellor, representatives of Human Resources and any person with line management or similar responsibility for the employee unless there are legal, professional or health and safety obligations.
- 3.13 Warnings given to an employee shall be placed on the University's personal file of the employee kept in the Human Resources department. The warning shall be disregarded

after a specified period of time has elapsed without further incident taking place; these are as detailed - where appropriate - under each of the following specific sections in these Procedures. In exceptional circumstances, the times specified may be subject to variation – any such variation being notified to the individual at the time the warning is issued.

- 3.14 It is important that the personal file is a factually correct record of employment. Although background papers will be removed from the file a copy of the 'spent' warning will be kept in a sealed envelope within the file in order that the University may, for example, respond to claims against it or comply with requests for information from professional bodies or the police. This envelope will be accessible only to the Director of Human Resources or his/her deputy.
- 3.15 Where they are not directly involved, the Dean/Associate Dean/Head of Service/Deputy Head of Service should be kept informed of informal and formal action being taken.

4 MANAGING SICKNESS ABSENCE

- 4.1 Handling issues that fall within this procedure is both complex and time consuming. Advice is always available from Human Resources and no formal action can be taken without the involvement of a member of Human Resources. Before beginning a particular process you may find it helpful to gain an overview of the various steps and issues to take account of via the flow chart at Appendix E.
- 4.2 This procedure is concerned with a member of staff's incapability to meet required standards of performance because of ill health (both long term absences and frequent intermittent short-term absences from work) and with balancing the University's needs against the circumstances of the employee concerned.
- 4.3 The University is committed to promoting the health and well-being of its staff and supporting them through periods of ill health. The University also recognises the need to manage staff absence sensitively to ensure that the University functions efficiently and effectively and is able to meet its operational requirements.
- 4.4 The University and its managers have a number of responsibilities when dealing with cases of sickness absence and need to take certain actions in order to ensure that they have discharged these appropriately. These can be summarised as;
- (a) investigating the nature of the illness
 - (b) investigating the likely length of the absence
 - (c) assessing the impact on the work/operation
 - (d) assessing the impact on other employees
 - (e) taking account of available medical advice
 - (f) taking account of the employee's length of service and contract
 - (g) considering alternative work
 - (h) consulting with the employee on actions proposed
- 4.5 The University expects that staff with health problems receive appropriate support through their manager, the Occupational Health provider and Human Resources; that all staff are treated fairly and consistently in line with good employment practice and that, wherever practicable and appropriate, staff can be assisted to return to work through agreed rehabilitation programmes.
- 4.6 The University recognises its general responsibility to provide, so far as is reasonably practicable: premises and a working environment that are safe and healthy; materials, equipment and machinery that are safe and do not present unacceptable risks to health; safe systems of work; and such information, instruction and training as are necessary to ensure the health and safety of staff, students and visitors.
- 4.7 The University operates a sick pay scheme, determined by continuity of service, such that employees after five years' service are eligible for a maximum of six months' full pay and six months' half pay. Human Resources will advise staff when they are reaching the end of the periods of full and half pay. In some circumstances it may be appropriate for the individual to retire before the period of sick pay has expired. It is important in the management of any sickness absence to establish that there is mutual trust and responsibility for its effective operation. Likewise, it is important to review compliance with sickness rules and conditions; to explore the reasons for sickness absence in order to prevent, if possible, the absence recurring.

- 4.8 A member of staff is required to contact his/her manager at certain stages during the course of the absence and the manager also has a responsibility to contact the member of staff from time to time to see how they are progressing (as specified in the 'Guide to Occupational and Statutory Sick Pay Schemes'). If contact has been maintained during the absence in most instances this can ease the transition back to work. In the majority of cases the individual would not have concerns about being contacted by the manager, is likely to welcome this, and in fact may feel more concerned they received contact direct from a member of Human Resources. Where however the individual is concerned by the prospect then they should make it clear that they do not wish the manager to contact them at home, and the manager should respect this position. In such cases where it becomes necessary for contact to be made then this will be initiated by Human Resources. In some circumstances contact by telephone or letter may be more appropriate.
- 4.9 The decision to dismiss on the grounds of incapability is not a medical one but is a managerial decision - based, amongst other things, on medical opinion(s). However, the absence of a medical diagnosis, or prognosis, does not in itself prevent management action. Employees have the right under the Access to Medical Reports Act 1988 (as amended) not to disclose their medical reports. In such a case, the employer can advise the employee that there is a need to obtain information regarding his/her health, and that his/her further employment will be assessed on the information available, and a decision will be made in the absence of such information.
- 4.10 The line manager should keep the senior manager informed of any issues that might warrant action under the formal procedures and consult with both the senior manager and Human Resources before taking any action. Occupational Health reports may be sought where action is being considered as part of the initial processes or normal support mechanisms, for example where an employee has had absences which appear to be linked and which therefore indicate there may be an underlying medical problem. In such cases, upon receipt of the report from Occupational Health and following discussion with Human Resources, the relevant manager should meet with the employee to identify support that could be offered and actions to be taken.
- 4.11 The *Disability Discrimination Act 1995* gives disabled employees the right not to be treated less favourably than others without a disability. A disabled person is one with a 'physical and/or mental impairment which has a long term adverse effect on his/her ability to carry out normal day to day activities'. The Act effectively gives the disabled person the right not to suffer unjustifiable discrimination and to claim reasonable adjustments to the workplace or working arrangements. However decisions concerning needs and adjustments must take place in the light of operational requirements. Managers should be aware that the provisions of the Act may apply in certain situations and should seek advice from Human Resources.
- 4.12 There may be a situation where an employee is suffering from ill health but is still at work. Where this is causing concern the manager should discuss the case with Human Resources in order to determine appropriate action which may include referral to Occupational Health and subsequent agreement that the employee should be absent from work on the grounds of ill health. Where this is the case it may be appropriate for the employee to be suspended from work on the grounds of ill health, see Appendix D.
- 4.13 All cases of sickness absence need to be handled with care and sensitivity but this is especially so when dealing with a member of staff with mental health difficulties. Advice should be sought from a member of Human Resources at the earliest opportunity.

5 LONG TERM ABSENCE

5.1 INITIAL STAGE

5.1.1 Long term absence is normally defined as being a specific period or several periods of absence (normally amounting to more than 8 weeks in a twelve month period) and is distinguishable from frequent intermittent absence in that it tends to be continuous or connected and is usually traced to an underlying medical condition. In some circumstances an intervention earlier than 8 weeks may be appropriate, for example when there is a clear indication that the condition may be long term. Other absence patterns may also give cause for concern and require intervention even if they fall below 8 weeks, for example shorter absences at specific times in successive years.

5.1.2 Managers and staff are expected to maintain regular contact during the period of sick leave. Para 4.7 above gives guidance on how this contact should be made and by whom. Such contact can help the employee considerably when contemplating a return to work. Visits to an employee's home may be appropriate as a means of maintaining contact with the employee, discussing when return to work is anticipated, and/or in a minority of cases, discussing termination of contract/retirement on the grounds of ill health. In all cases a possible home visit should be discussed with Human Resources who would usually conduct the visit or accompany the line manager. In all cases managers should be mindful of the need to maintain a reasonable balance between contacting the employee and the right of the employee not to be disturbed when they are ill.

5.1.3 Following consultation and discussion with the employee, should it appear that there may be a long-term effect on the employee's ability to comply with his/her contract of employment, Human Resources will write to the Occupational Health provider to seek advice.

5.1.4 The Occupational Health provider will, with the employee's permission, obtain medical reports. Management will not be given the detail of these reports but will be advised by the Occupational Health practitioner as to:

- (a) the nature and extent of the illness
- (b) the likelihood of the current level of absence recurring or some other illness arising;
- (c) the employee's expected date of return;
- (d) whether or not the employee will be fit to resume full duties within a reasonable timescale;
- (e) if not, what duties the employee may reasonably be expected to be able to undertake
- (f) fitness for duties, with reasonable adjustment.

5.1.5 Once advice has been received from the Occupational Health provider, the line manager and the appropriate HR Adviser/Manager will discuss the medical opinion of the employee's long-term prospects of return to full duties. Full consideration will be taken of the requirements of the Disability Discrimination Act, in particular the requirement to make reasonable adjustment. The employee may provide an additional medical assessment if he/she so wishes.

5.1.6 It is important that a member of staff returning to work after a long period of illness is given appropriate support by their manager, and the University to enable them to readjust into the workplace. In order to enable this to happen an individual should give sufficient notice of their intended date of return. In some cases a meeting may be arranged involving the individual (accompanied by a colleague if they wish), the manager and Human Resources to discuss

the arrangements for return, including any medical advice that has been received in relation to adjustments. In certain cases an employee's return to work from long term sickness may be facilitated by the opportunity to work a reduced number of hours for a limited period, normally a maximum of six weeks. Consideration will be given to such an arrangement providing the following applies;

- (a) there is Occupational Health advice that the employee will resume their normal working hours at the end of this period.
- (b) there is evidence of an incremental increase in the number of hours being worked during the period (as appropriate).
- (c) the reduced hours arrangement is operationally feasible.

Where such an agreement is reached with the employee then they will continue to receive their normal pay for a maximum of six weeks. This period will be extended only in exceptional circumstances. Where an extension is agreed consideration will be given to reducing the employee's pay in line with the hours being worked.

5.1.7 In cases where there is medical advice that the employee would only be able to resume work on a reduced hours basis for the foreseeable future then this will be discussed with the employee and the manager and a reduced hours contract considered. Where such a contract is agreed then this will be on the basis that there will be a trial period of six working weeks within which the employee or University may determine whether the arrangement should continue. At any time during the trial period the employee or University may terminate the contract and revert to terms and conditions of the previous contract.

5.1.8 Occasionally an individual is classed as medically fit to return to work and plans to do so but, perhaps because of particular aspects of the job, the manager has a concern about whether this should happen. Where there is perceived to be a risk to the individual or others by a return to work the opinion of the Occupational Health provider should be sought.

5.1.9 Where the line manager and HR Adviser/Manager believe that continuation of the current contract is doubtful, the following possibilities will be explored:

- (a) temporary or permanent change of work pattern or methods within the same department including the possibility of part time employment;
- (b) temporary or permanent change of post within the same department;
- (c) a suitable post elsewhere within the University;
- (d) reasonable re-training and/or rehabilitation;
- (e) adjustment to role that could result in a lower grade, providing the employee formally agrees to the change.

An employee opting for an alternative contract will not be entitled to pay protection.

5.1.10 In some circumstances it may be that the most sensible option is to end the contract of employment. This can be done by the appropriate pension scheme agreeing to early retirement on the grounds of permanent ill health. This is a decision based on medical opinion and relates to 'permanent incapacity'. If approved by the appropriate pensions authority (Teachers' Pensions or the Local Government Pension Scheme), then it allows the employee to be released with immediate (often enhanced) pension. The University would normally accept this recommendation and would terminate the contract with notice (or pay in lieu of notice) on the grounds of capability and pay the balance of any sick pay owing.

When agreement to early retirement on the grounds of ill health has been received from the appropriate pension scheme and has been agreed by the employee, a mutually agreed

date of termination should be identified. The individual will be required to confirm their request to retire on the grounds of ill health in writing and the agreed date on which the contract will terminate. Upon receipt of this letter the University will arrange for the termination of the contract on the due date. Appropriate payment for the balance of any sick pay owing and for outstanding holidays will be made.

5.1.11 When it is not possible to gain agreement to retirement on the grounds of ill health from the appropriate pension scheme, the University will terminate the contract with notice (or pay in lieu of notice) on the grounds of capability (see para 5.2 below);

5.2 FORMAL STAGE 3

5.2.1 Where, in the case of long term absence, the options outlined in para 5.1.9 are not possible or practical and/or fail, or the opinion is that the contract should be terminated, a report will be made to the Vice-Chancellor or nominee as appropriate, who has the authority to terminate the contract of employment on the grounds of the employee's incapability owing to ill-health.

5.2.2 Where a decision is made by the Vice Chancellor or nominee to proceed with a meeting, the employee will be given five working days' notice in writing of the meeting. He/she shall be notified of the details of the issues in writing, informed that Stage 3 of this procedure is being invoked and be advised that he/she can be accompanied by a colleague. The employee shall have access in advance to any documents which are to be produced at the meeting. Any written evidence to be submitted by the employee must be received at least 24 hours in advance of the meeting so that all parties can consider it, (see also Appendix B). The employee has a right to supply a second medical opinion if they wish and must indicate their intention to do so 24 hours in advance of the meeting. The meeting will be postponed if necessary to await this report.

5.2.3 The Vice-Chancellor, or nominee, and a member of Human Resources, will conduct the meeting following the format outlined at Appendix B. The Vice-Chancellor or nominee will decide one of the following:

- (a) to take **NO FURTHER ACTION**, in which case s/he will confirm this in writing to the employee;
- (b) to seek **FURTHER INFORMATION**, for example an additional medical report;
- (c) to take **FURTHER ACTION** (which may include demotion or re-deployment within the University following agreement with the employee as an alternative to dismissal);
- (d) to **DISMISS**. This will normally be with notice.

5.2.4 If the decision is to dismiss the outcome will be confirmed in writing and the employee advised of his/her right of appeal, see Appendix C.

5.2.5 If the opinion of the Occupational Health provider or the employee's own GP/consultant is that the employee is terminally ill, the line manager and Human Resources will ensure that where possible the financial and emotional needs of the employee are taken into account in arriving at an agreement about continued employment.

6 FREQUENT INTERMITTENT (SHORT TERM) ABSENCE

6.1 These are absences that are normally sporadic and may be attributed to seemingly unconnected minor ailments or similar or related reasons. Human Resources (Payroll) receives data via the sickness absence reporting process about staff on sick leave. It

produces information on a regular basis for senior managers and line managers and highlights those absence patterns which may require attention, usually those totalling c 10 days per rolling 12 months. In some cases the manager may have additional local knowledge relating to the absence record and decide to take no further action in the light of this.

- 6.2 Line managers may be in possession of additional details, for example times when an individual has gone home ill, and need not wait for information from Human Resources but may choose to discuss an absence pattern with an individual employee at an earlier point. The intention is that all staff are dealt with in a consistent way and that any different treatment is for justifiable reasons.

6.3 INFORMAL ACTION

- 6.3.1 In cases of frequent intermittent short-term absences from work, whether or not covered by a medical or self certificate, the line manager will meet with the employee: to discuss the reasons for the absences; to advise of the need for the individual to consider consulting a doctor; to establish whether medical treatment is necessary; to identify whether there are any other underlying reasons for absences (i.e. work related or domestic); and to decide what action can or should be taken. The line manager will advise the employee of the possible consequences if there is no improvement in the absence/attendance pattern.
- 6.3.2 If there appears to be an underlying medical reason for the absences then the case should be discussed with Human Resources and a decision made whether to seek a medical opinion. Where this occurs the report from Occupational Health should be considered by the manager and Human Resources and further action determined. The outcome and appropriate action should be discussed with the employee. In such a case it may be judged that whilst the individual does have an underlying medical condition their overall level of absence is nevertheless unacceptable and the procedure should be initiated.
- 6.3.3 Clearly absence records/health issues are specific to the individual. A number of informal meetings may in some cases be the most effective way of managing the situation. If the necessary improvement can be achieved in this way then it may not be necessary to move to more formal procedures. In all cases Human Resources should be consulted for advice on the most appropriate way to handle the situation.

6.4 FORMAL STAGE 1

- 6.4.1 If the attendance pattern does not improve, the HR Adviser/Manager will seek the advice of the Occupational Health provider. The Occupational Health provider may, with the employee's permission, obtain medical reports. Management will not be given the detail of these reports but will be advised by the Occupational Health provider as to the likelihood of the current levels of absence recurring or some other illness arising; whether there is some underlying medical cause for these absences; whether the employee is fit to undertake full duties and, if not, what duties the employee may reasonably be expected to be able to undertake.
- 6.4.2 The line manager, accompanied by the appropriate HR Adviser/Manager, will meet with the member of staff. Depending on the circumstances of the case it may be appropriate to involve another line manager in the meeting. The employee will be given five working days' notice in writing of the meeting and be advised that s/he can be accompanied by a colleague.

The employee will be given the details of his/her attendance record in writing in advance and informed that a formal stage is being invoked.

6.4.3 The meeting will be led by the line manager who will discuss the report from the Occupational Health provider, explain the effect that the absences are having on the employee's department, outline in what respect the employee's attendance fails to meet an acceptable standard, and discuss with the employee any other relevant matters.

At the meeting, the employee (or colleague where s/he is represented) will be given the opportunity to respond to the evidence presented.

The line manager in consultation with the members of Human Resources will then decide whether:

- (a) to take **NO FURTHER ACTION** , in which case s/he will confirm this outcome in writing to the employee;
- (b) in the light of the issues discussed to require a further **PERIOD OF MONITORING**;
- (c) to seek **ADDITIONAL INFORMATION** for example a further report from a medical practitioner/Occupational Health provider;
- (d) to offer an adjustment to the contract, which will not attract pay protection;
- (e) to offer temporary or permanent change of work pattern or methods within the same department including the possibility of part time employment;
- (f) to offer temporary or permanent change of post within the same department;
- (g) to offer a suitable post elsewhere within the University;
- (h) to offer reasonable re-training and/or rehabilitation;
- (i) to offer adjustment to role that could result in a lower grade, providing the employee formally agrees to the change
- (j) the absence/attendance pattern is of sufficient concern that a **FIRST FORMAL WARNING** is appropriate.

6.4.4 The warning will be confirmed in writing and the employee advised of his/her right of appeal, see Appendix Ci. The warning will remain on the employee's file for a period of 12 months. The employee will be warned of the possible consequences of a failure to improve or in the event that further shortcomings are identified. The warning will set out the required level of attendance and the timescale within which improvement is expected and over which it must be sustained. The review period must be reasonable in relation to the cause of absence and could be up to 12 months. Within that time there will be regular review meetings and at any point during that review period the issue can be moved to the next stage in the procedure.

6.4.5 At the end of the review period, which may be shorter than the duration of the warning, provided the matter has not been moved to the next stage, the manager and member of Human Resources will hold a meeting with the employee, and if s/he chooses in the presence of his/her colleague, to discuss progress. If the employee's attendance has improved sufficiently that he/she now meets the required standard, this will be confirmed in writing, and possibly a further review meeting will be arranged to check that this can be sustained. If however, the employee's attendance remains below the required standard, the employee will be informed that further action will be taken under Formal Stage 2 of this procedure.

6.4.6 Following the issue of a first formal warning, if there is a need to invoke Stage 2 of the process as a consequence of a failure to achieve required standards this must normally be initiated within the duration of the previous warning.

6.5 FORMAL STAGE 2

- 6.5.1 Where the level of attendance does not improve the line manager will prepare a report which will include the attendance record of the employee, the impact of ongoing absences on the work/department/other employees, the record of any meetings that have taken place with the employee and any other information that is relevant to the case. S/he will submit this to the senior manager. Advice will be sought from Human Resources and appropriate action will be agreed. The employee will be given a copy of the report as part of the evidence to be discussed at the formal meeting.
- 6.5.2 Where it is agreed that a meeting should be arranged with the employee s/he will be given five working days' notice in writing of a meeting. The employee will be given the details of the concerns about his/her alleged frequent intermittent absences in writing in advance, informed that the Formal Stage 2 is being invoked and be advised that s/he can be accompanied by a colleague.
- 6.5.3 The meeting will be led by the senior manager supported by a member of Human Resources and will be conducted as per Appendix Bii. The senior manager will discuss with the employee the alleged poor attendance and the possible consequences should this not improve, and set a review date when progress might be considered. The employee will be made aware that unless a level of attendance that is satisfactory to the University is achieved, further action could be taken which could lead to dismissal.
- 6.5.4 At the meeting, the employee (or colleague where he/she is represented) will be given the opportunity to respond to the evidence presented. The senior manager will, in consultation with the member of Human Resources, then decide whether:
- (a) to take **NO FURTHER ACTION**, in which case s/he will confirm this in writing to the employee;
 - (b) in the light of the issues discussed to require a further **PERIOD OF MONITORING**;
 - (c) to seek **ADDITIONAL INFORMATION**, for example a further report from a medical practitioner/Occupational Health provider;
 - (d) to offer an adjustment to the contract (which will not attract pay protection);
 - (e) to offer temporary or permanent change of work pattern or methods within the same department including the possibility of part time employment;
 - (f) to offer temporary or permanent change of post within the same department;
 - (g) to offer a suitable post elsewhere within the University;
 - (h) to offer reasonable re-training and/or rehabilitation;
 - (i) adjustment to the role that could result in a lower grade, providing the employee formally agrees to the change.
 - (j) To issue a **FINAL FORMAL WARNING**.
- 6.5.5 The warning will be confirmed in writing and the employee advised of his/her right of appeal, see Appendix Ci. The warning will remain on the employee's file for a period of 24 months. The employee will be warned of the possible consequences of a failure to improve or in the event that further shortcomings are identified. The warning will set out the required level of attendance and the timescale within which improvement is expected and over which it must be sustained. The review period must be reasonable in relation to the cause of absence and could be up to 24 months. Within that time there will be regular review meetings and at any point during that review period the issue can be moved to the next stage in the procedure. The employee will be advised that if their attendance remains below the required standard further action will be taken under stage 3 of the procedure.

6.5.6 At the end of the review period, which may well be shorter than the duration of the warning, the manager will hold a meeting with the employee, and if s/he chooses in the presence of his/her colleague, to discuss progress. If the employee's attendance has improved sufficiently that he/she now meets the required standard, this will be confirmed in writing, and a further review meeting may be arranged to check that this has been sustained. If however, the employee's attendance remains below the required standard, the employee will be informed that further action will be taken under Formal Stage 3 of this procedure which could result in the employee's dismissal.

6.5.7 Following the issue of a final written warning, if there is a need to invoke Stage 3 of the process as a consequence of a failure to achieve required standards this must normally be initiated within the duration of the previous warning.

6.6 FORMAL STAGE 3

6.6.1 If the employee's attendance pattern remains below the standard required, or falls below the standard required during the following 24 months, the senior manager will prepare a statement of case outlining such matters as: performance, health record, likelihood of change in attendance (including further medical opinion, if necessary), availability of alternative work, the effect of past and future absence on the service and comparative data, as appropriate, and send this to the Vice-Chancellor or nominee, as appropriate, who has the authority to terminate employment.

6.6.2 Where a decision is made to proceed with a meeting, the employee will be given five working days' notice in writing of the meeting. S/he shall be notified of the details of the issues in writing, informed that Stage 3 of this procedure is being invoked and be advised that s/he can be accompanied by a colleague. The employee shall have access in advance to any documents which are to be produced at the meeting. Any written evidence to be submitted by the employee in response to the complaint must be received at least 24 hours in advance of the meeting so that all parties can consider it, (see also Appendix B). The employee has a right to supply a second medical opinion if they wish and must indicate their intention to do so at least 24 hours in advance of the meeting.

6.6.3 The Vice-Chancellor, or nominee, and a member of Human Resources, will conduct the hearing following the format outlined at Appendix B. The Vice-Chancellor or nominee will decide one of the following:

- (e) to take **NO FURTHER ACTION**, in which case s/he will confirm this in writing to the employee;
- (f) To **EXTEND THE PERIOD OF REVIEW** and require further monitoring NB this is the review period that was set up at the time that the formal Stage 2 warning was issued. Where a further review period is agreed then this review period should be completed whilst the Stage 2 warning is current i.e. within 24 months;
- (g) to seek **FURTHER INFORMATION**, for example an additional medical report;
- (h) to take **FURTHER ACTION** (which may include demotion or re-deployment within the University following agreement with the employee as an alternative to dismissal);
- (i) To **DISMISS**. This will normally be with notice.

6.6.5 The employee will be informed in writing of the decision and the reasons for it and of s/her right to appeal to the Board of Governors, see Appendix Cii.

These appendices apply to all three procedures – ill health, performance and conduct – but need to be interpreted in the light of the particular procedure being used.

APPENDIX A

GUIDANCE NOTES ON INVESTIGATION PROCEDURE

1. The Purpose of the Investigation

- 1.1 An important element for the fair and expeditious handling of matters of concern, complaints and allegations is an adequate investigation. This does not necessarily mean exploring every avenue, but it does mean:
- (a) enquiring into the circumstances surrounding the suspected or alleged issue;
 - (b) informing the employee that an investigation is being conducted and giving the employee a chance to offer an explanation (only in exceptional circumstances would the employee not be informed);
 - (c) taking a balanced view of the information that emerges;
 - (d) reaching a decision whether or not there are sufficient grounds for proceeding and, if so, deciding whether the issue should be dealt with informally or under formal procedures.

Note: In cases concerning allegations of serious or gross misconduct, where suspension of the employee on full pay pending further investigation is considered appropriate, there may be no preliminary interview. In such cases, the suspension procedure will be followed (see Appendix E).

2. Who should conduct the investigation?

- 2.1 The relevant line/senior manager or other appropriate nominee, the 'Investigating Officer' will normally investigate the allegations although there may be particular circumstances where it could be more appropriate for a member of Human Resources to fulfill this role. The 'Investigating Officer' should aim to begin the investigation normally within 2 working days and to complete it in as short a period as possible, normally not exceeding 20 working days. The 'Investigating Officer' may be supported by a member of Human Resources. The investigation will be confidential.

3. The Procedure

- 3.1 The Investigating Officer will inform the employee at an appropriate time that an investigation is being carried out. He/she will be advised of the nature of the allegation(s), including any written complaints that have been made.
- 3.2 The employee should be advised that s/he may be interviewed as part of the investigation and that it may be necessary to have more than one meeting. The employee should be given the opportunity to be accompanied by a colleague at any meeting.
- 3.3 It is normally helpful for any witnesses or other persons believed to have significant information about the alleged allegations, or pertinent knowledge about relevant procedures, etc to be interviewed as soon as possible before memory fades. Written

statements, or countersigned notes, should be obtained from witnesses at the earliest opportunity and it should be made clear to them the use to which the statements could be put and the fact that witnesses may be required to attend a subsequent hearing and be cross examined on their evidence.

- 3.4 On completion of the investigation, the Investigating Officer in consultation with a member of Human Resources, should analyse the facts and evidence and consider whether formal action under the procedure is appropriate. If stage 2 or stage 3 of the formal procedure is being initiated the Investigating Officer should prepare a report which should include relevant documents/procedures/witness statements etc. This should be passed to the senior manager (in the case of stage 2) or Vice Chancellor or nominee (in the case of stage 3) who will consult the Director of Human Resources or nominee (for stage 2) or the Vice Chancellor or nominee (for stage 3) about appropriate action.
- 3.5 Human Resources will advise on consistency of practice across the University and the validity of the approach being proposed.
- 3.6 It is important not to delay unreasonably the investigation process and it should be conducted within as short a period as practicable, normally not exceeding 20 working days. Once the relevant facts have been established it should be possible to inform the employee whether management intends to take the matter to a formal stage.
- 3.7 The appropriate Dean/Associate Dean/Head of Service/Deputy Head will be kept informed of the case (where s/he is not the Investigating Officer).

CONDUCT OF MEETINGS

1. INFORMAL MEETINGS

- 1.1 As informal meetings are not held under the formal procedure and their purpose will vary it is not appropriate to adhere to a specific format for the meetings. In fact bringing unnecessary formality to the meeting may well hinder progress. The following is however a guide to holding informal meetings which managers may wish to follow when they are considering such action.
- 1.2 The manager should contact the employee to arrange the date and time of the meeting. He/she should be advised of the purpose of the meeting. Given the possible anxiety associated with such a meeting, the manager should consider whether it would be useful to provide any written information prior to the meeting which will help the employee prepare. There should not be any unnecessary delay between the announcement of a meeting and when the meeting takes place. Where the individual requests that s/he be accompanied at an informal meeting then this request will be agreed. The manager may also request that a member of Human Resources is present.
- 1.3 At the start of the meeting the manager should confirm its purpose and agree a structure ensuring that the employee has an opportunity to raise any issues that are of concern to them. If it becomes clear that the employee wishes to be accompanied then this should be discussed and the meeting adjourned as necessary.
- 1.4 The manager will explain the standard required, outline in what respect the employee is failing to achieve this, explore the possible explanations for this and agree a plan of action, and any further support and/or training and development that is required. The manager should also indicate the timescale within which an improvement should be achieved.
- 1.5 It may be appropriate at the end of the meeting for the manager to advise that the formal procedure may be invoked if insufficient progress is made. In some circumstances it may be appropriate to issue an oral warning. Any such warning is outside the formal procedure, however reference may be made to it if formal action is necessitated within 12 months.
- 1.6 A summary of the meeting and its outcomes should be confirmed in writing. A copy should be given to the employee and a copy should be retained by the manager.
- 1.7 Arrangements should be made for a further meeting to consider the actions agreed and the progress made.
- 1.8 The senior manager should normally be kept informed of the action being taken.

2. OUTLINE FORMAT FOR FORMAL MEETINGS (STAGES 1,2,3)

In the majority of cases (except where otherwise stated in this document) the formal procedure will be preceded by informal meetings between the manager and employee. In most cases informal meetings will achieve the necessary improvement and invoking the formal process will not be necessary.

FORMAL STAGE 1

- 1.1 The case will normally be heard by the line manager, accompanied by a member of Human Resources. A summary of the case will be explained to the employee by the line manager. This will include the nature of the complaint and the outcome of the investigation. The panel may question the employee or seek further clarification.
- 1.2 The employee/colleague will have an opportunity to put his/her case.
- 1.3 Where appropriate, witnesses will be called by the panel or the employee and can be questioned by the panel and the employee/colleague.
- 1.4 Both sides will have the opportunity to summarise their points if they so wish, the employee's statement being the last.
- 1.5 When the discussion has been concluded the panel will adjourn to make its decision. Where possible the decision will be communicated to the employee by the chair of the panel shortly after the hearing. Otherwise he/she will communicate the decision in writing as soon as practically possible afterwards. In all cases the outcome will be communicated in writing to the employee after the hearing normally within five working days.

FORMAL STAGE 2/3

- 2.1 Formal stage 2 - the panel will comprise a minimum representation of the senior manager and the Director of Human Resources (or nominee).
Formal stage 3 – the panel will comprise a minimum representation of the Vice Chancellor (or nominee) and the Director of Human Resources (or nominee).
- 2.2 The chair of the panel will outline the status of the meeting, his/her role and that of the other panel members. S/he will explain the role of the Presenting Officer (see 2.3 below). S/he will also explain the process, introduce all parties present and check that all parties have had the documents to which reference will be made by either side.
- 2.3 The Presenting Officer will present the case i.e. the nature of the complaint, the investigation and the findings. S/he will call any witness(es) one at a time, as appropriate. The panel, employee and his/her colleague will have the opportunity to ask questions of the witness(es).
- 2.4 The employee or his/her colleague will put his/her case and may call additional witnesses, provided that they have given notice that they intend to do this. Management will have the opportunity to question these witnesses.

- 2.5 If appropriate, the chair may ask that a witness be re-called and be asked further questions for clarification.
- 2.6 The Presenting Officer may make a final statement of summing up.
- 2.7 The member of staff or his/her colleague will sum up the case.
- 2.8 After the discussions have been concluded the panel will adjourn to consider the evidence and reach a decision. NB If the panel decide that an adjournment is necessary to enable time for further reflection upon the evidence, the employee will be advised of this and will be advised when the decision will be communicated to him/her.
- 2.9 Having reached a decision the chair will convey this to the employee as soon as possible after the meeting. This may be conveyed orally but in all cases the decision will be confirmed in writing with details of the appeals process, as appropriate. In all cases the outcome will communicated in writing to the employee after the hearing normally within five working days.

GENERAL POINTS:

- (i) Exceptionally, at the discretion of the chair and normally by mutual agreement of all parties, this outline format for conducting the hearing can be amended provided that the general principles are still followed.
- (ii) **Witnesses**
Either party to any of the formal stages will have the right to call witnesses to appear before the hearing, subject to signed witness statements having been provided by them in advance. However it is envisaged that both parties will restrict to a minimum the number of witnesses to be called, limiting them to witnesses of fact rather than character. At the hearing, it shall normally be the practice that witness(es) will not be expected to read out their statement(s) and that the cross-examination will, wherever possible, be limited.
- (iii) If, for good cause including ill health or the non-availability of the chosen colleague, the employee is unable to attend the meeting, it will be adjourned to a suitable alternative date. If the employee is unable to attend the re-arranged meeting date, it will normally proceed in his/her absence, but with his/her representative being provided with the opportunity to present the employee's case on his/her behalf. In this circumstance any written submission by the employee, or by his/her representative will be considered.
- (iv) Requests for adjournment by either party will be at the discretion of the chair and not unreasonably withheld.
- (v) It is important that disciplinary proceedings are concluded within a reasonable timescale. The meeting will thus normally take place within 20 working days of the investigation being concluded.
- (vi) Normally the HR adviser will take notes of the meeting. These notes of the proceedings will not be circulated subsequently but kept for record purposes only and used in the event of any subsequent appeal at which time they will be circulated to all parties.
- (vii) The member of staff and/or colleague is advised to keep their own notes of the meeting.

- (viii) Proceedings may by mutual agreement be tape-recorded and all phones and pagers must be switched off throughout the process

APPEAL HEARINGS**1 APPEAL HEARING - FORMAL STAGE 1 AND 2 -
OUTLINE FORMAT OF THE PROCEEDINGS**

An employee who is subject to formal disciplinary action other than dismissal has a right to appeal using the following procedure. To exercise this right the employee must notify the Director of Human Resources in writing within ten clear working days of the date of the letter confirming the warning. In this letter the employee must clearly state the grounds of his/her appeal.

- 1.2 The appeal will be heard by the following:
 - (a) In the case of an appeal against a **FIRST FORMAL WARNING** this should be heard by a panel comprising minimum of a senior manager and the Director of Human Resources (or nominee).
 - (b) In the case of an appeal against a **FINAL FORMAL WARNING** this should be heard by a panel comprising a senior manager or a member of the Directorate (including members of the extended Directorate) and the Director of Human Resources (or nominee).
- 1.3 When notification of an appeal is received by the Director of Human Resources, the chair of the disciplinary panel will be advised and will be asked to provide a report which can be considered by the appeal hearing. This report should summarise the main elements of the case and the reasons for the decision reached by the panel. This report will be made available to the employee in advance of the appeal hearing.
- 1.4 The Director of Human Resources (or nominee) will arrange the hearing giving the employee a minimum of ten working days' notice in writing of the place, date and time of the hearing, and advising him/her of his/her right to be accompanied by a colleague. The hearing should normally take place within 20 working days of the appeal being lodged.
- 1.5 Both the employee and the chair of the panel who made the original decision must submit all evidence or documents to which reference shall be made at the hearing, including where the ground(s) for appeal relates to new evidence the names of any witnesses it is proposed to call (or witness statements where a witness is not to be called). These papers should be submitted to the Director of Human Resources no later than three working days before the date set for the appeal hearing for distribution to all parties. Papers not submitted by this date will not normally be eligible for consideration.
- 1.6 The appeal hearing will operate on the basis of reviewing the earlier decision. Ordinarily it will not be conducted as a re-hearing of the evidence made when the initial decision was taken but rather be concerned with reviewing the application of the procedures, whether the sanction is proportionate to the misdemeanour and considering any new material evidence not available or produced at the original hearing which the member of staff wants to raise. Normally, only in the case of new evidence will witness statements, and the attendance of those witnesses in person, be admissible.
- 1.7 The appeal panel may require the attendance of the chair of the original panel.

- 1.8 The members of the appeal panel may ask questions of the employee and, where called the chair of the original panel. Where the appeal is based on new evidence any witnesses may be required to answer questions.
- 1.9 Both parties will be given reasonable opportunity to ask questions of each other. Questions will be directed through the chair who will manage the process.
- 1.10 The appeal panel shall deliberate in private, only recalling the parties to clear points of uncertainty on evidence already given. If recall is necessary, both parties are to return.
- 1.11 The panel will reach a decision and this will be conveyed by the chair of the appeal panel. Alternatively, the chair of the appeal panel may defer and communicate the decision later, either in person or in writing. In either case the decision of the panel will be confirmed in writing normally within five working days.

The decision of the appeal panel shall be final exceptionally it may order a rehearing.

NOTES:

- (i) Exceptionally, by mutual agreement of all parties, this outline format for conducting the appeal hearing can be amended provided that the general principles are still followed.
- (ii) Where witnesses attend the hearing, it shall normally be the practice that they will not be expected to read out their statement and further that the cross-examination of witnesses, where called, may be limited in time at the discretion of the chair.
- (iii) Proceedings may by mutual agreement be tape-recorded
- (iv) All phones and pagers must be switched off throughout the process.
- (v) Requests for adjournments by either party will be at the discretion of the Chair and not unreasonably withheld.
- (vi) Normally the HR adviser will also take notes although in some instances it may be appropriate for an additional HR representative to fulfil this role.
- (vii) These notes of the proceedings will not be circulated subsequently but kept for record purposes only and used in the event of any subsequent appeal at which time they will be circulated to all parties.
- (viii) It is the responsibility of the member of staff and/or colleague to keep their own notes of the appeal hearing.

2. APPEAL AGAINST DISMISSAL TO BOARD OF GOVERNORS

- 2.1 Appeals to the Board of Governors can only be made in the case of dismissal. Once a decision to dismiss has been made it will normally be actioned and the employee will cease to be paid. However following a successful appeal an employee would normally be reinstated and paid arrears of salary.

Note: Where the appeal is based on new material evidence emerging during the period between a decision being made by the panel and the holding of the appeal, the matter will be reverted to the panel, as appropriate, for further consideration, and only in that circumstance will witness statements, and the attendance of those witnesses in person, be admissible. In such circumstance, the Director of Human Resources (or nominee) will take responsibility for arranging a review hearing at which the new evidence can be presented and the attendance of those witnesses in person be admissible.

- 2.2 Any panel established by the Board of Governors shall consist of three Governors, including at least one lay Governor¹.
- 2.3 The appeal hearing will operate on the basis of reviewing the earlier decision, based on submissions made by the member of staff and management. Ordinarily it will not be conducted as a re-hearing of the evidence made when the initial decision was taken but rather be concerned with reviewing the application of the procedures and whether the sanction is proportionate to the misdemeanour.
- 2.4 The procedure of a hearing before the Governors shall be as follows:

2.4.1 Any appeal to the Board of Governors must be submitted in writing to the Director of Human Resources within ten working days of the date on which the written decision was received. The employee must clearly state the reasons for and grounds of his/her appeal.

2.4.2 The Clerk to the Board of Governors will notify the Vice-Chancellor (or his/her nominee), as appropriate, that an appeal has been lodged. He/she will arrange the hearing and will give the employee a minimum of ten working days' notice in writing of the place, date and time of the hearing, and advise him/her of his/her right to be accompanied and represented by a colleague. The hearing should normally take place within 20 working days of the appeal being lodged.

2.4.3 When notification of an appeal is received by the Director of Human Resources, the chair of the panel will be advised and will be asked to provide a report which can be considered by the appeal hearing. This report should summarise the main elements of the case and the reasons for the decision reached by the panel. This report will be made available to the employee in advance of the appeal hearing.

2.4.4 Both the employee and chair of the panel must submit all evidence or documents to which reference shall be made at the hearing at least three working days in advance to the Clerk to the Board for distribution to all parties.

2.4.5 The Director of Human Resources (or nominee) will attend to advise the Panel which may have another professional adviser present who is also an employee.

¹ The Clerk to the Board of Governors will, where possible, seek to arrange for more than one lay Governor

2.4.6 The employee (or his/her colleague) shall put his/her case in the presence of the chair of the panel. The chair of the panel and members of the appeal panel may ask questions of the employee.

2.4.7 Both parties will be given reasonable opportunity to ask questions of each other. Questions will be directed through the chair who will manage the process.

2.4.8 The appeal panel may require the attendance of the chair of the original panel.

2.4.9 The members of the appeal panel may ask questions of the employee and where called the chair of the original panel. Where the appeal is based on new evidence any witnesses may be required to answer questions.

2.4.10 The appeal panel, with the officer appointed as Secretary to the panel and the Director of Human Resources (or nominee) to assist as required, shall deliberate in private, only recalling the chair and the member of staff (and his/her colleague) to clear points of uncertainty on evidence already given. If recall is necessary, both parties are to return.

2.4.11 All parties shall be recalled, and the panel will convey its decision, and the reasons for this. Alternatively, the panel may defer and communicate its decision later, either in person or in writing.

2.4.12 The panel's decision on the appeal shall be final. It shall be confirmed in writing to the employee normally within five working days.

NOTES:

- (i) If any party seeks to address the Appeal Panel, this must be in the presence of the other party.
- (ii) It must be made clear at the outset who will be the person presenting the employee's case to the Appeal Panel - either the employee or the colleague, but not both.
- (iii) If any employee who has been dismissed with or without notice is re-instated on appeal, the re-instatement shall take effect from the date of the original dismissal and no loss of earnings shall be incurred.
- (iv) Proceedings may by mutual agreement be tape-recorded.
- (v) All phones and pagers must be switched off throughout the process.
- (vi) Requests for adjournments by either party will be at the discretion of the Chair and not unreasonably withheld.
- (vii) The Secretary to the panel will take notes of the proceedings. These notes of the proceedings will not be circulated subsequently but kept for record purposes only and used in the event of any subsequent appeal at which time they will be circulated to all parties.
- (viii) It is the responsibility of the member of staff and/or colleague to keep their own notes of the appeal hearing.

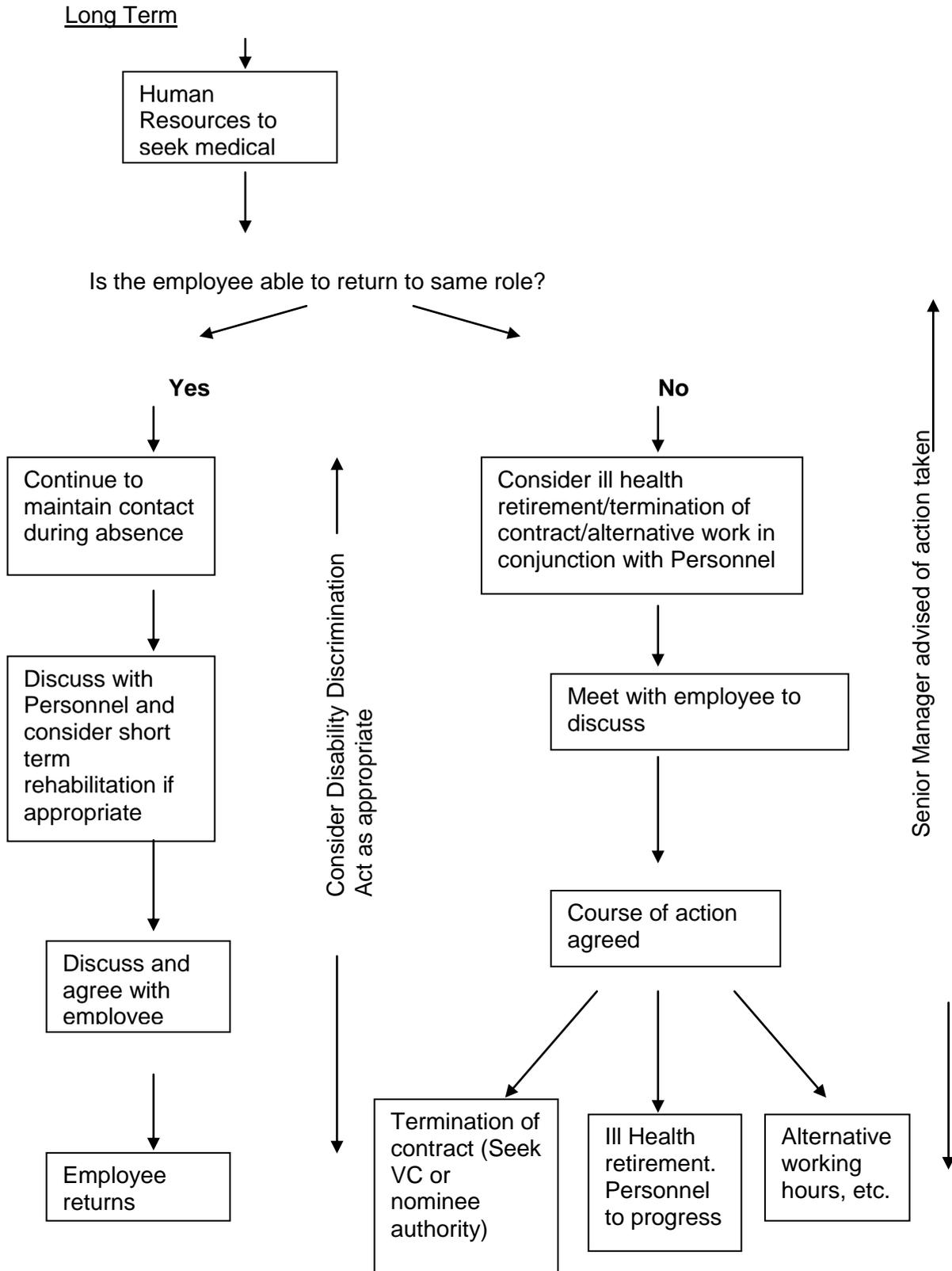
SUSPENSION

- 1 Suspension, in itself, is not a sanction.
- 2 The Vice Chancellor (or nominee) may suspend from duty on full pay any employee for alleged gross misconduct or for other good and urgent cause. The power to suspend from duty, with pay, any member of staff, other than the holder of a senior post, shall be exercisable on behalf of the Vice Chancellor by the holder of a senior post who has management responsibility for the member of staff concerned, or the Director of Human Resources.
- 3 Except where delay would be the power to suspend prejudicial to the interests of staff and students or the safe and efficient conduct of the work of the University, shall not be exercisable without prior consultation with the Vice Chancellor or the Deputy Vice Chancellor with responsibility for Human Resources matters, or if the Vice Chancellor/Deputy Vice Chancellor is not available, from the Assistant Vice Chancellor or the Director of Human Resources.
- 4 Except where circumstances do not allow, the manager shall state orally to the member of staff at the time of suspension the reasons for the suspension. As soon as practicable (normally within five working days) after the suspension has taken place the employee will be informed in writing by the Vice- Chancellor (or nominee) of the reason for the suspension and that the suspension will be on full pay. The extent of permitted contact with colleagues, students and others will be explained in the letter but a member of staff will not normally be allowed on University premises whilst on suspension. Contact will normally be through a designated manager who is not part of the investigation.
- 5 The suspension will not be for an unreasonable length of time.

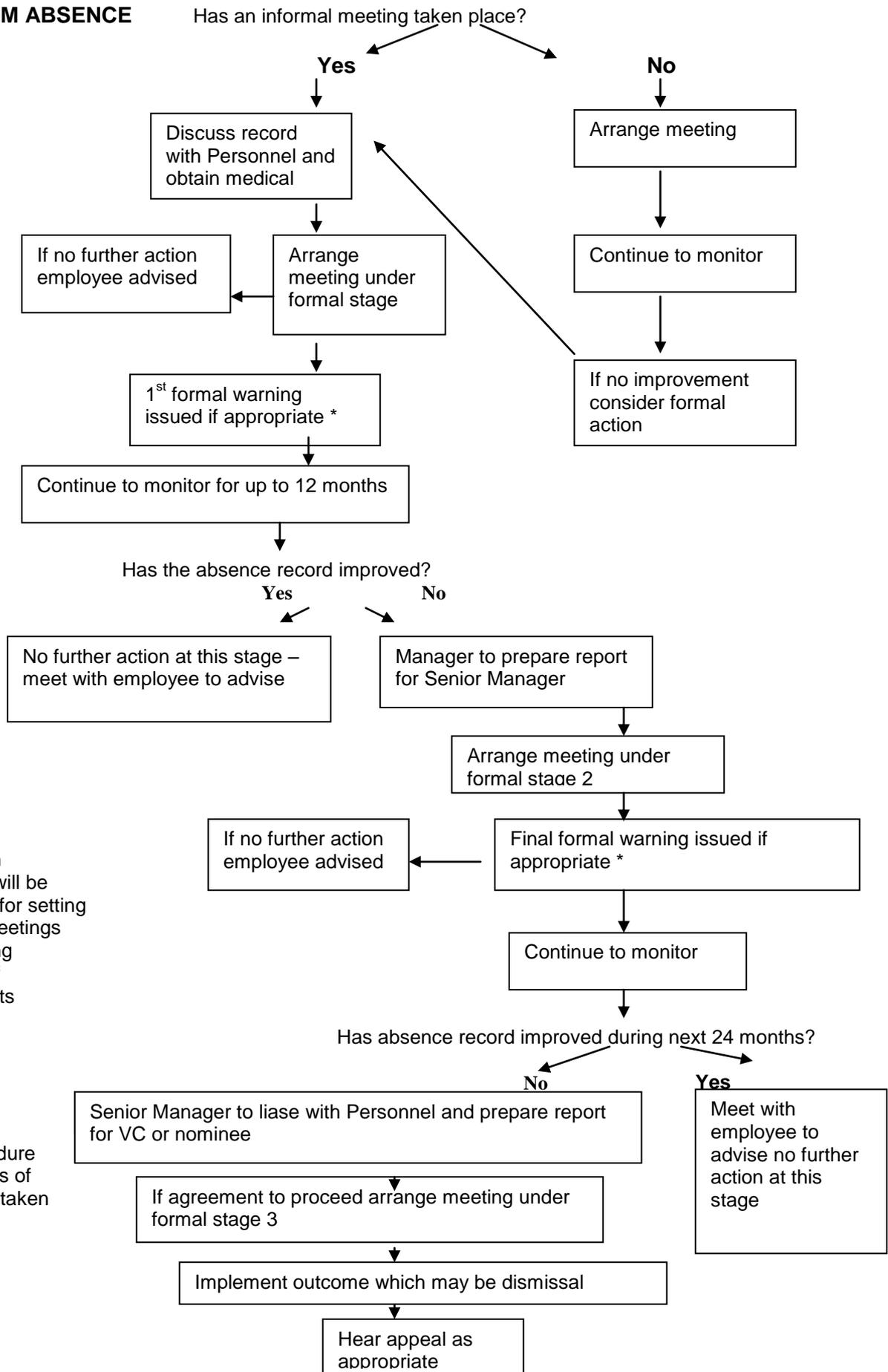
RIGHT OF APPEAL AGAINST SUSPENSION

- 6 Except where the Vice-Chancellor (or nominee) has given notice of a proposal to dismiss the employee, an employee who has been suspended for longer than 21 days may appeal in writing to the Board of Governors against the suspension.
- 7 Upon receipt of the notice of appeal a meeting of a panel of the Board of Governors shall be arranged to hear the appeal. At the hearing the employee may be accompanied by a colleague.
- 8 The suspension will continue until the outcome of the appeal is determined.

**Dealing with Ill health - Long term absences– Outline of Steps
(should be read in conjunction with procedure, this is purely illustrative)**



SHORT TERM ABSENCE



NB. Human Resources will be responsible for setting up formal meetings and informing employee of arrangements

* See procedure for full details of action to be taken at meetings

Consider Disability Discrimination Act as appropriate