

# Capability Procedure (Ill-Health)

## Human Resources

### Contents

1	General Principles	1
2	Scope	1
3	Procedure	1
	3.1 Consideration of information obtained to date	1
	3.2 Formal Capability Meeting	2
4	Appeal	2
5	Review	2

---

Author(s) Human Resources

---

Published Sep-13

---

Revised

---

# Capability Procedure (Ill-Health)

## Human Resources

### 1 General Principles

As a leading international technological university it is essential that the University of Strathclyde considers the health, safety and well-being of all staff, and that appropriate support mechanisms and procedures are in place and utilised to support staff with significant health problems, and to address the associated employment issues that can arise. The University will act fairly, non-discriminatory and consistently when applying this procedure and will ensure compliance with all relevant equality legislation.

### 2 Scope

This procedure will apply to all University staff on open ended and fixed term contracts and supplements the University's Sickness Absence Management policy, which should be referred to in the first instance for guidance on the management of short and long term sickness absence issues. This procedure is designed to be utilised in cases where staff are experiencing considerable health/absence problems which result in a significant risk to their continued employment with the University. In this context the Procedure is intended for use in cases where the University's Sickness Absence Management policy and procedures have been exhausted. This will normally mean that, prior to the convening of the Formal Capability meeting outlined below, there will have been two Formal Review meetings under the University's Sickness Absence Management Policy, at which the individual will have been offered all appropriate support but will also have been clearly told that their level of absence may be considered as unsustainable and, therefore, that their continuing employment with the University may be at risk.

### 3 Procedure

#### 3.1 Consideration of information obtained to date

Where a member of staff has experienced significant absence from work due to ill-health, the Head of Department/School will consider use of the procedure, normally in the following circumstances and following the exhausting of the Sickness Absence Management policy and procedure:

- Where up to date medical advice from the member of staff's general practitioner (GP) indicates that the individual is not fit to return to work in the foreseeable future.
- Where up to date information from Occupational Health indicates that they cannot foresee the individual returning to work in the near future in any reasonable capacity.
- Where applicable, the latest medical advice from a third party consultant indicates that the individual is not fit to return to work in the near future in any reasonable capacity.
- Where an individual is currently fit but there is evidence that they will not be able to sustain regular and effective service in the longer term as a result of a recurring health condition(s).
- Where the Head of Department/School (or nominee) in consultation with the staff member has exhausted consideration of all reasonable options/adjustments which might facilitate a return to work, e.g. reduction in working hours/changes in working pattern, possible re-allocation of duties, provision of specialist equipment, and/or alterations to work environment.
- Where redeployment to a suitable alternative role is not possible.

- Where applicable, ill-health retirement is not granted. In all cases the University will consider ill-health retirement before any termination of employment on ill-health capability grounds, subject to the member of staff being a member of a pension scheme. Where an application for ill-health retirement is accepted, the pension scheme and the University will confirm this in writing. The staff member will be entitled to payment from the University in respect of notice and in relation to any outstanding holiday entitlement due.

### **3.2 Formal Capability Meeting**

Where the provisions of the University's Sickness Absence Management Policy have been exhausted and termination of employment on grounds of capability due to ill-health is being considered, the member of staff should be invited to attend a formal meeting, with their Head of Department/School (or nominee) and a member of the Human Resources team, to discuss all information relevant to the case.

The member of staff will be advised in writing prior to attending the meeting that the University will be considering the possible termination of their contract of employment on ill-health capability grounds and of their right to be accompanied at the meeting by a trade union representative or work colleague.

In taking a decision as to what action may be taken in relation to the staff member's employment, the Head of Department/School, in partnership with Human Resources will consider:

- All relevant medical information, as detailed in Section 3.1
- The nature of the illness and prognosis based on the information available
- The likelihood of an imminent return to work
- The likelihood of being able to sustain regular and effective service following a return to work
- The effect of continued absence on the efficient operation of the department
- The staff member's representations on the matter

Any decision to dismiss on ill-health capability grounds will be communicated to the staff member in writing, confirming the reason for the dismissal, as soon as possible following the meeting.

## **4 Appeal**

An individual has the right to appeal against any decision to dismiss him/her on ill-health capability grounds. The appeal should be submitted to the Director of Human Resources within 10 working days from the date of the letter which notified the individual of the decision. The letter should set out the reason(s) for the appeal.

The appeal will be heard by a panel of two, an HR representative and one manager from outwith the individual's line management structure who have not previously been involved in the case. The decision of the appeal meeting will be communicated to the individual in writing, normally within 10 working days of the hearing. The decision will be final and exhausts the University's procedures.

## **5 Review**

This policy will be reviewed and updated at periodic intervals to ensure continuing suitability for organisational needs and compliance with relevant legislation.