



# Ulverston Victoria High School

## Directed Medical Absence

Author/Owner:	Approved	Chair of Governors Signature:
M Hardwick	Yes	<i>Sarah Dorman</i>
Last updated: July 2024		

## **Medical suspension and capability**

There are a number of circumstances where the school may medically suspend an employee. Reasons for such a decision include consideration for the protection of the person's own health, as well as the health and welfare of other staff and pupils who may be put at risk by the medical condition of an employee. Occupational health may recommend medical suspension to management.

Subject to LA arrangements, a referral to LADO may be recommended in cases where a staff member is suffering from or has suffered from suicidal thoughts. The school will undertake a full risk assessment on the risks posed to the employee or others before deciding on whether the employee is fit to be in work.

If, following advice from occupational health, it appears that the employee is likely to be unable to return to their role or to provide regular and efficient attendance within a reasonable period of time, the employee will be invited to attend a medical capability hearing.

Prior to a medical capability hearing, a preliminary meeting will be arranged in order to discuss the following:

- The history of the employee's absence, including the number of absences or duration of absences
- Any reasonable adjustments that have been made or considered
- If and when the employee may be able to return to work or to provide regular and efficient service
- Any redeployment options that have been considered within the school
- Up-to-date medical advice

The employee has the right to be accompanied at this meeting by a trade union representative or work colleague.

If, following the preliminary meeting, the staff member's line manager remains of the opinion that the employee is not able to return to work within a reasonable period of time and that their absence cannot be sustained or that the employee will not be able to provide regular and efficient service in accordance with their contract of employment, the employee will be invited to attend a medical capability hearing.

## **Medical capability hearing**

The purpose of the medical capability hearing is to consider the viability of the employee's continuing employment. The employee will be given written notification of the meeting giving five working days' notice.

The medical capability hearing will be conducted by the headteacher. The headteacher will consider dismissal on the grounds of medical capability where having considered any

medical advice and any representations by the employee the headteacher reasonably believes that:

- The employee is permanently unfit to work.
- They are unable to reasonably determine when the employee will be able to return to work or to provide regular and efficient service.
- The employee is unlikely to be able to provide regular and efficient service.
- In the event that an employee has failed to attend appointments with occupational health and, therefore, there is no medical evidence to consider, the headteacher may make a decision based on the information at the hearing. Where an employee fails to attend the hearing, it may go ahead in their absence.
- The employee has the right to be accompanied at the medical capability hearing by a colleague or a trade union representative.
- Any documentation that the employee wishes the headteacher to consider should be submitted at least two working days prior to the hearing. In certain situations where medical evidence from an employee is in conflict with the medical evidence from occupational health, the school will decide to obtain a further medical report or may prefer either report.
- If the headteacher decides to terminate the employee's employment on the grounds of medical capability, the employee will be informed, in writing, of the decision to dismiss and their right of appeal.

### **Appeals against medical capability decisions**

Any appeal arising as a result of a medical capability dismissal will be made in writing to the school within 10 working days of receipt of the outcome of the hearing.

If the member of staff submits an appeal, they will be invited to an appeal hearing where their case will be heard by the governing board. The employee and the school will provide additional medical information for consideration at the appeal hearing.

The outcome of the appeal hearing will be confirmed in writing to the employee. There is no further level of appeal.