

The company will operate the following policy in relation to incapability.

Ill Health

Incapability in this context is defined as any period of ill-health absence lasting more than one month.

It is company policy to support employees who are genuinely sick and unable to come to work and, where an employee's absence is one month or more, to actively manage his/her absence and subsequent return to work. Please also refer to the Company Absenteeism Policy.

The employee (subject to a limited number of exceptions) will continue to be paid in accordance with the sickness policy while absent, provided that they comply with the company rules on notification and the provision of ongoing medical evidence.

The company will adopt a "case management" approach when dealing with employees who are incapable of working due to ill health. This means regularly reviewing an employee's absence and state of health or fitness to see whether there is any improvement and if the company can do anything to facilitate the employee's recovery and return to work. Case reviews will normally be held monthly, and these will involve the employee's Line Manager and the HR Manager.

Part of the case management will be for the company to keep in touch with the employee. The employee will be consulted about how contact will be maintained, for example by telephone, email and/or visits to the employee's home at agreed times. The employee's views on how contact should be made will be sought and respected.

When an absent employee is well enough to return to work, the company will meet with the employee to discuss the terms of his/her return. The discussions will include:

- The employee's opinion about his/her capabilities, for example whether the employee is confident that he/she can fulfil their contractual duties.
- When an employee is unable to fulfil their contractual duties, we will consider whether they can conduct any type of employment that the Company may be able to offer.
- Any special arrangement, additional support, or adjustments to the employee's duties, working conditions or environment that would help the employee to reintegrate into the workplace.
- Whether the employee's return should be full-time duties or whether a phased return would be beneficial. A phased return is usually managed over a period of 2 – 4 weeks.
- Whether the employee will be taking any medication after his/her return to work that might have side effects, for example tiredness.
- Whether or not an induction programme is desirable or necessary, for example if the employee's absence has been lengthy and if several organisational or procedural changes have taken place.

Employees may be requested by the company to consent to an assessment by the Company Occupational Health specialist or to give consent for permission to write to their own GP to obtain their professional medical advice. The company will routinely ask an employee who has been absent

from work for one month or more to be medically examined by the Occupational Health specialist to confirm that he/she is genuinely capable of returning to work. If an employee refuses to co-operate in providing medical information any decision regarding their future employment will be based on the information available to the Company.

After the employee's return, the company will:

- Monitor the employee's progress over the first few weeks to ensure that he/she is coping with the work and the day-to-day pressures of working life.
- Make sure that the employee is not "thrown in the deep end", for example is not required to deal with a huge backlog of work caused by a period of absence.
- Take all reasonable steps to facilitate the employee's reintegration into the workplace.

Long-term sickness absence and/or frequent absences relating to an underlying illness.

The Company will not normally consider terminating the employment of an employee who is absent from work due to genuine sickness or injury during the first one month of absence. However, in the case of long-term absence, frequent periods of absence relating to an underlying condition or following an unsuccessful return to work, the position will be regularly reviewed and ultimately it may become necessary from a business perspective to consider termination of employment. In these circumstances, the company will:

- Review the employee's absence record to assess whether it is sufficient to justify dismissal.
- Consult the employee.
- Obtain up-to-date medical advice.
- Advise the employee in writing as soon as it is established that termination of employment has become a possibility.
- Meet with the employee to discuss the options and consider the employee's views on continuing employment.
- Review if there are any other jobs that the employee could do prior to taking any decision on whether to dismiss.
- Allow a right of appeal against any decision to dismiss the employee on grounds of long-term ill health; arrange a further meeting with the employee to determine any appeal.
- Following this meeting, inform the employee of its final decision.
- Act reasonably towards the employee at all times.

If the length of absence reaches 28 weeks a decision will be made as to whether the employee's return is imminent. If, after taking medical evidence into consideration, there is little possibility of returning to work these individuals would be released from the Company on ill health grounds. Only as a last resort will an employee's contract be terminated and then only after a thorough investigation and discussion within our disciplinary procedure.

Should an employee refuse to co-operate in providing medical information any decision regarding termination of employment will be based on the information available to the Company.

Capability and qualifications

The company recognises the difference between:

- A deliberate failure on the part of the employee to perform to the standards of which he/she is capable, in which case the company will use its disciplinary procedure; and
- A case of incapability, where an employee is lacking in knowledge, skill or ability and so cannot carry out his/her duties to the standard required, in which case the company will operate its incapability policy, in an attempt to improve performance. The disciplinary procedure will be used where it is necessary to call a disciplinary hearing where all attempts have failed at improving performance under the capability procedure.

If it becomes clear than an employee is not performing his/her duties to the required standard due to a lack of knowledge, skill or ability, the company will arrange a meeting with the employee to discuss the matter. The company will:

- Give the employee a reasonable period to improve and undertake any training that is deemed necessary; and
- Offer the employee closer supervision by his/her manager.

At the end of this period, another meeting will be arranged to review the employee's progress and decided whether any further action is required.

If the employee's performance has still not improved to an acceptable standard, a more formal meeting will be held. The employee will be given a warning about his/her performance, given a further chance to improve, and offered closer supervision.

If the employee is unable to improve to the required standard the company will consider whether he/she can be moved to alternative work more suited to his/her abilities.

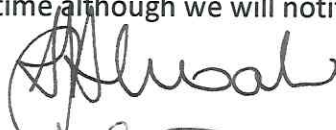
Where an employee no longer has the correct qualifications to continue to perform his/her duties, the company will consider whether adjustments can be made to existing duties so that employment can continue. Where the qualification in question is fundamental to the employee's duties and he/she cannot continue without them, the company will consider whether the employee can be moved to another position. The company will also consider whether the employee can be returned to his/her original duties once the qualifications have been regained.

Once the company has exhausted all attempts to amend the employee's existing duties or to find alternative duties within the organisation, it may as a last resort become necessary to dismiss.

Status of this procedure

This procedure does not give contractual rights to individual employees. The company reserves the right to alter any of its terms at any time although we will notify you in writing of any changes.

Signed on behalf of Wm. Lee Ltd



DATE: 29 JAN 2024

Signed on behalf of Unite the Union



DATE: 22-1-24

