LANCASHIRE COUNTY COUNCIL

LONG TERM SICKNESS ABSENCE PROCEDURE

FOR STAFF IN CENTRALLY MANAGED SERVICES

(REVISED AUGUST 2021)

1. **PURPOSE**
	1. This model procedure provides a framework for managing cases of long term sickness absence. The procedure is intended to give clear guidance to all parties in dealing with long term absence.
	2. The definition of a long term absence is one lasting a minimum of 28 calendar days.
2. **APPLICATION**

2.1 This procedure applies to staff employed by Lancashire County Council under the School Teachers' Pay and Conditions Document in centrally managed services. Staff employed within centrally managed services who are not employed under the School Teachers' Pay and Conditions Document will be subject to the County Council's Sickness Absence Procedures for staff employed under NJC terms and conditions.

This procedure has been written on the understanding that the day to day management of attendance is undertaken by line managers and dismissal decisions are taken by the Head of Service.

2.2 Nothing in this procedure shall prevent an employee from exercising their statutory rights under employment law to register a claim with an employment tribunal.

2.3 Where any action under this procedure may have implications for an employee’s salary or their continued employment, they should be advised to seek advice from their trade union/professional association. At any meeting convened under this procedure, the employee may be accompanied by a work colleague or trade union/professional association representative.

2.4    Where the absence(s) is due to a condition that could be classed as a disability under the Equality Act 2010, advice should be sought from AskHR or a member of the Schools HR Team in relation to the procedure.

2.5 Nothing in this procedure shall prevent an employee from exercising their statutory rights under employment law to register a claim with an employment tribunal.

2.6 The Service processes personal data, including special categories of data, collected and processed during the absence management process in accordance with the Data Protection Policy. In particular, data collected as part of the absence management process and any subsequent stages of action under the Long Term Sickness Absence Procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the Long Term Sickness Absence Procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the LCC Data Protection Policy. It may also constitute a disciplinary offence, which will be dealt with under the Disciplinary Procedure for Teachers in Centrally Managed Services.

1. **NOTIFICATION OF ABSENCE AND CONTACT ARRANGEMENTS**

3.1     All employees must follow the notification procedure for reporting sickness absence as set out by the Senior Manager or their nominated contact person.  On the first day of absence, employees must give brief details of the reason for absence, the date the absence commenced, the likely duration of the absence, whether it is related to an accident or injury at work and whether any medical attention has been sought.

3.2     Employees must ensure that they submit medical certificates from the GP to cover their absence continuously on the 8th calendar day of absence onwards.  The Senior Manager must make internal arrangements to ensure that absence is recorded correctly using the Council's absence recording system and that the appropriate documentation relating to sickness absence, including medical certificates is obtained and maintained.

3.3     In all cases of long-term absence, it is important that the Senior Manager or their nominated contact person maintains regular contact with the absent employee in relation to their absence, including, if necessary and by agreement, visit the employee, unless exceptional circumstances apply. The purpose of such contact is to enquire as to the employee’s health and recovery, to ascertain whether a return to work is likely in the near future and to identify any adjustments that could be made to facilitate an earlier return to work.

3.4 Any contact with the employee should be handled sensitively to avoid the perception that the employee is being pressurised or harassed.  Appropriate informal social contact should also be encouraged, which will ensure that the employee does not feel isolated. It is a matter for the Senior Manager to determine who would be the most appropriate person to maintain contact with the employee.

3.5    Employees have a responsibility to maintain regular contact with the Senior Manager or nominated contact person during periods of long term sickness absence to update the Service on progress and likely duration of absence so that support can be provided for the employee as appropriate and to enable the Senior Manager to plan for cover arrangements.

1. **MEDICAL REFERRAL TO THE OCCUPATIONAL HEALTH UNIT**
	1. The responsibility for the management of long-term absence cases rests with the service, supported by AskHR and the Schools Human Resources Team. Each service will need to ensure that all employee absence is monitored and will need to ensure that they are able to supply the information required to make a referral to the Occupational Health Unit (OHU).
	2. A referral for a medical opinion from the OHU should be made in the following circumstances:
* Where an employee has been absent from duty for four weeks or more due to sickness; or
* If the employee has been absent from duty with stress, depression, anxiety or any other mental health condition, the referral should be undertaken when the first medical certificate is received; or
* If the employee is absent with an industrial injury or other work-related condition, a referral should be undertaken immediately; or
* There have been a number of shorter periods of sickness, (see Short Term and Repeated Absence Procedure); or
* The line manager has justified concerns about the ability of the employee to carry out their duties because of a medical condition,
	1. There is a need for discretion and tact in requiring an employee to attend an OHU assessment, taking into consideration the circumstances of the case. In certain circumstances, it may be appropriate just to monitor the case over a longer period of timerather than referring it to OHU, e.g. post hysterectomy, broken bones, end dated or terminal illness (see [Absence Management Guidelines](https://schoolsportal.lancsngfl.ac.uk/view_sp.asp?siteid=4311&pageid=19196&e=e)).
	2. It should be noted that, in cases where employees who have contact with children suffer from pulmonary tuberculosis, epilepsy, psychiatric disorders or other such conditions, action should be taken to refer the employee to the OHU without delay. Paragraph 4.12 of this procedure provides further information on action to take in these circumstances.
	3. Where it is decided that the employee should be referred to the OHU, the line manager should contact the employee to inform them of the referral and its contents and to obtain the employee's consent, before the referral is made. In all cases, the employee should be informed that they may find it helpful to seek the advice and guidance of their trade union/professional association.

4.6 The Conditions of Service for School Teachers in England and Wales apply. These national conditions state that to be entitled to sick pay, it is a requirement for the employee to submit to medical examination if requested to do so.

4.7 The line manager should complete the online referral on the OHU online system. The prime responsibility for initiating the referral process rests with the service. The referral should contain factual details and provide details of the illness, the duties and responsibilities of the postholder, any problems which have come to light in undertaking the duties and responsibilities as a consequence of the medical condition, the likely length of absence, possible adjustments to enable a return to work and any other relevant information. In completing the referral, the manager should bear in mind the fact that the referral may be seen by the employee at a later date.

4.8 OHU may consider it appropriate for a medical report to be sought from the employee’s own medical practitioner. If this is the case, the employee will be asked to sign a consent form, sent by OHU, which will set out their rights under the Access to Medical Reports Act 1988, including the right to see the report prior to it being sent to the Authority’s Occupational Health Adviser.

4.9 An OHU appointment will normally be arranged within 2 weeks of the referral. The OHU will notify the employee of the date of any appointment once the appointment date has been set. The appointment will normally take place over the telephone but face to face appointments may be available upon request by the referring person. The Manager will be able to track the progress of the appointment on the OHU online system.

4.10 As stated in paragraph 4.6, all employees are required, under their conditions of service, to attend a medical consultation arranged by OHU and failure to do so without a reasonable explanation being provided or failure to notify their line manager and OHU of intended non-attendance may lead to formal disciplinary action, or may lead to decisions being taken on the basis of the existing level of knowledge about the absence. It may also disqualify employees from the benefits of the occupational sick pay scheme, in accordance with their conditions of service.

4.11 Following the OHU appointment, the OHU will prepare a report, which will be available on the on-line system. A copy of the report should be provided to the employee by the line manager if requested.

**4.12 Medical** Disorders **(teachers and other employees having contact with children)**

4.12.1 In cases where a teacher is found to be suffering from a contagious disease or a condition such as pulmonary tuberculosis, epilepsy, a psychiatric disorder or other such condition, the matter should be referred to OHU following the procedure outlined above. The employee should not be allowed to work until OHU has given clearance.

4.12.2 In some cases, the employee’s General Practitioner may sign them off as being fit to work but they should not be allowed to return to duty until OHU has made a decision, even if this means suspending the employee from duty on full pay. Where an employee is suspended on full pay, the Schools HR Team must be consulted.

4.12.3 Line Managers must take immediate action when they consider a teacher may have become medically incapable of performing teaching duties if this may put at risk the health, education, safety or welfare of pupils.

1. **SICKNESS ABSENCE REVIEW PROCEDURE**

5.1 Depending upon the circumstances of the case, a meeting may be convened by the line manager or Senior Manager to discuss the implications of the OHU report, support that can be provided to the employee to aid their recovery and the implications of the employee's continued sickness absence. At this meeting, the line manager or Senior Manager may be accompanied by a representative of the Schools HR Team. The employee has the right to be accompanied by their trade union representative or a work colleague at this meeting. In exceptional circumstances, the line manager may not be present at this meeting and the meeting may take place away from the work premises, or outside of work time. In these circumstances, the service may wish to nominate an alternative Senior Manager within the service to attend.

5.2 Normally, the outcome of the medical referral and any subsequent discussion with the line manager will be one of the following:

(i) the employee is fit to return to the full duties of the post, therefore a return to work date is agreed;

(ii) the employee is fit to return to the duties of the present post subject to reasonable adjustments having been implemented and/or the benefit of a rehabilitation programme, possibly, through a phased return to work and a return to work date is agreed. Recommendations regarding reasonable adjustments may arise from the OHU report or from a GP fit note;

(iii) further time is required for recovery and a further meeting is arranged in due course to review progress;

(iv) the employee is permanently incapable of discharging efficiently the duties of the present post, but fit for other comparable employment within the service (where this is available) (see paragraph 6 below);

(v) the employee is permanently incapable of discharging efficiently the duties of the present post orany other comparable employment within the service (where this is available) (see paragraph 6 below);

1. the matter should be referred to the Head of Service (see paragraph 8). If this is the case, the employee should be informed that one option available to the Head of Service is the dismissal of the employee on the grounds of capability owing to ill health.

5.3 Where an employee has a disability, the line manager should fulfil their duty to make reasonable adjustments under the Equality Act 2010 to ensure that the employee is not substantially disadvantaged in their ability to attend and fulfil their work. Consideration should be taken of any advice from OHU in respect of the adjustments recommended. The line manager should also seek and consider advice from the Schools HR Team. See Section 6 of the [Guidelines for Managing Sickness Absence in Centrally Managed Services](https://schoolsportal.lancsngfl.ac.uk/view_sp.asp?siteid=4311&pageid=19196&e=e) for further information.

5.4 Where it is apparent from the OHU report that the employee will remain absent from duty for some time but may return, the line manager should discuss the matter with a member of the Schools HR Team in order to determine what action could be taken. Further sickness absence review meetings may be arranged with the employee as appropriate to discuss the options available, which include:

* continuation of monitoring;
* phased return to work;
* reasonable adjustments made to the employee's duties and responsibilities;
* retraining;
* any other reasonable adjustments recommended by OHU or on the GP fit note.
* the possible application for ill health retirement benefits.

5.5 In case of more prolonged absence, where OHU continue to be unable to make any firm prognosis regarding return to work or ill health retirement, a meeting should take place with the employee to discuss the findings of the medical report and the implications of their continued absence, including the possibility of a referral of the case to the Head of Service to an Attendance Hearing. Advice should be sought from the Schools HR Team and the employee informed of their right to be accompanied at the meeting by a trade union/professional association representative. In reaching a decision, consideration must be given to the following:

- the available medical advice;

- the nature of the illness;

- the pattern of absence;

- the overall absence record;

- the likelihood of a return to work in the foreseeable future;

- the operational needs of the Service;

- the impact on the workload of other employees and the continued capacity to cover the absence;

- any implications arising from the Equality Act 2010

**5.6** **Industrial Injury**

5.6.1 Where an employee is absent from duty due to an accident which arose out of, and in the course of, their employment, this may be treated as an industrial injury. The line manager must consider each case on an individual basis and make a decision on whether the absence is due to an industrial injury. Where there is any doubt as to whether it should be treated as an industrial injury, the line manager should seek advice from the Schools HR Team.

5.6.2 The line manager should inform the employee that the case is held to be an industrial injury and should update the online absence system to indicate this, including inputting the injury on the online accident reporting system. The line manager should ensure that any relevant statutory paperwork is completed e.g. referral under RIDDOR etc, in consultation with the employee.

5.6.3 The line manager will inform the employee, that the absence is being viewed as an industrial injury (without prejudice).

5.6.4 *Teachers*

* Paragraph 9 under Section 4 of the Conditions of Service for School Teachers in England and Wales outlines the provisions relating to absence arising from accident, injury or assault at work. These provisions apply equally to absence caused by both physical injury and clinically diagnosed psychological injury.
* If the case is held to be an industrial injury, teaching employees are entitled to full pay for a maximum period of 6 months, which is not deducted from their normal sick pay entitlement, though such absences are reckonable for entitlement to Statutory Sick Pay.

**5.7 Absence Caused by Negligence**

5.7.1 *Teachers*

Section 4, Paragraphs 11.1-3 of the Conditions of Service for School Teachers in England and Wales states the following:

11.1 If the absence of the teacher is occasioned by the actionable negligence of a third party in respect of which damages are recoverable, he/she shall advise the employer forthwith and the employer may require the teacher to refund a sum equal to the aggregate of sick pay paid to him/her during the period of disability of such part thereof as is deemed appropriate, but not exceeding the amount of the damages recovered. In the event of the claim for damages being settled on a proportionate basis, the employer will require full details and will determine the actual proportion of sick pay to be refunded by the teacher.

11.2 If the employer, in consultation with the governing body as appropriate, are of the opinion that the disability which has occasioned the teacher’s absence from work is due to his/her misconduct, or if the teacher has failed to observe the conditions of this scheme, or has been guilty of conduct prejudicial to his/her recovery, the payment of any sick pay under the scheme may be suspended by the employer. In any such case the employer shall inform the teacher of the grounds upon which the payment of sick pay has been suspended. He/she will then be given the opportunity to submit his/her observations and to appear (accompanied by a representative if he/she so wishes) before the Grievance Committee of the Governing Board. The Committee will thereupon decide whether the disability was due to the conduct of the teacher or whether he/she has failed without reasonable cause to observe the conditions of the scheme, or has been guilty of conduct prejudicial to his/her recovery, in which case the teacher shall forfeit his/her right to any payment or further payment of sick pay in respect of that period of absence.

11.3 Sick pay shall not be paid in a case of accident due to active participation in sport as a profession unless the employer decides otherwise, though Statutory Sick Pay may be payable.

**6. PERMANENT INCAPACITATION AND TERMINAL ILLNESS**

6.1 In cases where OHU and the employee’s medical adviser agree that the employee is permanently incapable of efficiently carrying out the duties and responsibilities of their present post, *or* any other comparable employment within the Service (where this is available)*,* the line manager should arrange a meeting with the employee and their representative to discuss the implications of that decision. In these circumstances, the line manager should seek and consider advice from the Schools HR Team.

6.2 Where OHU recommends ill health retirement and the employee decides that they wish to pursue ill health retirement, the procedure in paragraph 7 will be followed. In these circumstances, the employee should be made aware that by applying for ill health retirement, they are confirming that they consider themselves to be permanently unfit for gainful employment until retirement age. If an application for ill health retirement is made but is unsuccessful, the case should then be referred to the Head of Service to an Attendance Hearing to consider the termination of employment on the grounds of capability owing to ill health. Employees should be encouraged to consult their trade union/professional association, so they are fully aware of the implications of their application.

6.3 Where the Occupational Health Adviser determines that the employee is permanently incapable of discharging the duties of the present post efficiently but is fit for comparable employment within the Service (where this is available), consideration should be given to the Service making alternative arrangements, in consultation with OHU/Schools HR Team, by discussing:

* job restructuring;
* relinquishing some responsibilities;
* changing to job share or part-time work;
* retraining;
* modifications to the work place or to working practices;

- the use of technical aids.

Such alterations should also be considered under the provisions of the Equality Act 2010 to assist the employee in gradually returning to full time employment. Where appropriate, any proposal in relation to alternative duties should be discussed with the Schools HR Team and with OHU (if necessary) before the amendment to the role is made.

6.4 If suitable alternative employment within the service is identified and offered, but is rejected by the employee and they are in agreement with the medical opinion with regard to permanent incapacity, the matter should be referred to the Head of Service, who may decide to terminate the contract of employment on the grounds of capability owing to ill health. In reaching a determination on the case, the Head of Service should consider whether the alternative employment which has been offered was comparable and suitable. The employee must also be made aware that refusal of the offer of comparable employment would result in no automatic entitlement to pension benefits being paid upon dismissal.

6.5 Where it is felt there are no suitable alternative employment or the employee refuses to accept the medical advice or there is continuing disagreement, the matter should be referred to the Head of Service, who may decide to terminate the contract of employment on the grounds of capability owing to ill health.

**6.7 Terminal Illness**

This procedure may be used for dealing with cases of terminal illness. Advice on managing cases of long term absence due to terminal illness can be obtained from OHU and the Schools HR Team, including advice and guidance in relation to financial entitlements and pension issues. In addition, specific guidance for managing cases of critical or terminal illness can be found within the [Guidelines for Managing Sickness Absence](https://schoolsportal.lancsngfl.ac.uk/view_sp.asp?siteid=4311&pageid=19045&e=e) on the Schools Portal.

**NOTE:**

(1) In this context 'permanently incapable' means incapable of discharging the duties of the post until the employee’s normal retirement age.

(2) Alternative/comparable employment is defined as employment in which, when compared to an employee’s present employment, the contractual provisions are the same or differ only to an extent that is reasonable. The following factors will be taken into account: the nature of the employee’s ill health or infirmity of mind or body, the contractual provisions as to location, remuneration, hours of work, holiday entitlement, sickness or injury entitlement and other material terms that do not differ substantially from those of the employee’s present employment.

**7. ILL HEALTH RETIREMENT**

**7.1 Teachers' process**

7.1.1 Any teacher considering an application for IHR benefits should be advised to consult with their trade union/professional association, before submitting their application. In making such an application, the teacher will be reminded that in doing so, they are indicating to their employer that they believe themselves to be permanently unfit to teach.

7.1.2 The application process for ill health retirement is contained within the [Ill Health Retirement Guidance for Teachers](https://schoolsportal.lancsngfl.ac.uk/view_sp.asp?siteid=4311&pageid=40426&e=e) document.

 7.1.3  If approval has been given by Teachers' Pensions for the teacher to retire on IHR grounds, the line manager should arrange a mutually convenient date of retirement with the teacher and the Service. It should be noted, however, that in granting infirmity benefits, the teacher has been deemed permanently unfit to teach and the provisions of the Teachers' Regulations then apply. Therefore, the date of termination should be as soon as possible after the granting of infirmity benefits without payment in lieu of notice. If the date of retirement cannot be mutually agreed, the termination date will be 30 days after the date that the award of IHR benefits is notified to the Employer.

7.1.4 The teacher has a right to appeal against a decision of Teachers' Pensions in relation to their IHR retirement application. The written appeal should be directed to Teachers' Pensions. For further details of the IHR appeals process, visit the Teachers' Pensions website at [www.teacherspensions.co.uk](http://www.teacherspensions.co.uk).

**8**. **ATTENDANCE HEARING**

8.1 Where it is decided that all alternatives have been exhausted and termination of the employee’s contract of employment should be considered, advice must be sought from the Schools HR Team.

8.2 Circumstances in which consideration may be given to terminating an employee’s services include:

* where OHU determine that an employee is permanently unfit to carry out the duties of their presentpost or any other comparable employment within LCC (where this is available), and the employee does not wish to pursue ill health retirement;
* where OHU determine that an employee is permanently unfit to carry out the duties of their present post but is fit for other comparable employment within LCC (where this is available) andall other employment alternatives have been considered, including modifications to the work place and/or working practices, but no such comparable employment has been identified or it has been rejected by the employee;
* where the employee does not agree with the medical opinion with regard to permanent incapacity for work;
* where the employee has been advised to seek ill health retirement on the basis of medical advice but refuses to do so;
* where OHU is unable to reach a decision on permanent incapacity for work;
* where neither OHU nor the employee are able to indicate a return to work date in the foreseeable future and the Service is unable to continue to sustain the absence.

8.3 In these circumstances a report will be made to the Head of Service. The Head of Service will consider whether to monitor the case further or to take a decision to terminate services on the grounds of capability owing to ill health, having regard to the circumstances of the case, and the action taken during the Sickness Absence Review Procedure. The procedure to be followed at the meeting is outlined at Appendix A.

8.4 Any appeal against dismissal by the Head of Service will be heard by the Appeals Panel. The procedure to be followed at the meeting is outlined at Appendix A. The appeal outcome will be final. There will be no further right of appeal against dismissal.

1. **EXTENSION OF SICK PAY ENTITLEMENT (TEACHING STAFF ONLY)**

10.1 Under the Conditions of Service for School Teachers in England and Wales (the Burgundy Book) Section 4, paragraph 2.2 provides the employer with discretion to exceed the minimum entitlement for sick leave in individual circumstances.

**APPENDIX A**

**ATTENDANCE HEARING**

**PROCEDURE FOR CONSIDERATION OF REPEATED AND LONG-TERM SICKNESS ABSENCE AND TERMINATION OF EMPLOYMENT ARISING FROM SICKNESS ABSENCE**

# A. GENERAL PRINCIPLES

1. Any consideration of termination of employment should be made by the Head of Service in consultation with the Schools Human Resources Team. Confidentiality should be maintained as is the case in any dismissal process.

2. The employee has the right to attend and/or be represented by a work colleague or representative of a trade union, at any meeting convened under these procedures. In addition, the employee may be accompanied by a scribe whose only function is to take written notes to serve as a private record for the employee.

3. The line manager, when presenting a report at any meeting convened under these procedures, has the right to be accompanied by a representative of a professional association to act as adviser (not as the presenter of the case).

4. At any meetings convened under these procedures, a representative of the Schools HR team should attend.

5. The power to adjourn meetings convened under these procedures rests with the Head of Service. Both parties will be allowed the facility of an adjournment which will not unreasonably be refused.

6. Any appeal against, a decision to terminate a contract of employment will be referred to an Appeals Panel.

 **B. PROCEDURE AT AN ATTENDANCE HEARING**

1. The Attendance Hearing will be convened as soon as is practicable, once a decision has been taken to submit a report to the Head of Service.
2. The employee will be informed in writing that a report is being submitted to the Head of Service and that the employee can attend and may be represented by a work colleague or Trade Union representative, to respond to the case. Where the employee fails to attend and no reasonable explanation is forthcoming, the matter may be considered in their absence.
3. The line manager will prepare a report for the Attendance Hearing setting out:
* the absence record of the employee over the relevant period (depending upon the nature of the absences) with any patterns/frequencies highlighted which are considered to be relevant
* all correspondence confirming action taken
* a current medical report (where this is available) and any further medical advice relevant to the case.
1. The employee and their representative will be given written notification of the date, time and place of the hearing together with a copy of the report to be placed before the Head of Service at least 10 working days prior to the date of the meeting. If the employee is not able to attend due to the unavailability of their trade union representative, the representative should suggest an alternative date within 5 working days of the original date.
2. The employee may (if they wish) submit any documents concerning the report for circulation to the Head of Service prior to the meeting.
3. The case on behalf of the service will be made by the presenter of the report (i.e. line manager) and witnesses may be called to support the case.

Where an employee does not attend the hearing or is not represented but submits written representations, 7 to 10 should be omitted.

1. The employee and/or their representative and the Head of Service will be entitled to question the presenter of the report and any witnesses.
2. The employee and/or their representative will present a statement of case and present any documents to the Head of Service and will be entitled to call witnesses to support the case.
3. The presenter of the report and the Head of Service will be entitled to question the employee and any witnesses who have been called.
4. The presenter of the report will have the opportunity to make a closing statement to the Head of Service and, thereafter, the employee and/or their representative will have a like right.
5. At the conclusion, the presenter of the report, the employee, their representative and any witnesses will withdraw and the Head of Service will reach a decision in private. Advice given by the Schools HR Team must be considered by the Head of Service. Should any parties need to be recalled to clarify any points of uncertainty, all parties should return notwithstanding that the point giving cause for concern relates to one party only.

1. Following their deliberations, the decision of the Head of Service will be conveyed orally to both parties and subsequently confirmed in writing within 5 working days informing the employee of their right of appeal which must be exercised within 10 working days of written confirmation of the decision.
2. In the event that a decision to dismiss is taken, the employee will receive due notice.
3. The notice period will commence from the date that the decision to dismiss is taken.

 **C. APPEAL PROCEDURES**

1. Any appeal against a decision of the Head of Service will be referred to an Appeals Panel.
2. Appeals will be dealt with by way of rehearing and the order of proceedings will be in accordance with Section B6-11 above.
3. The employee will be given written notification of the date, time and place of the hearing so as to arrive no later than 10 working days before the date of the meeting and the employee will receive, by that time, a copy of the report and statement(s) (if any), which are to be considered by the Appeals Panel.
4. The employee may submit any documents concerning the decision of the Head of Service. These should normally be made available as soon as possible before the date of the meeting, so that they may be circulated with the report and statements. The employee will be notified as to who the documents should be submitted to.
5. A copy of the report and statements will be forwarded to members of the Appeals Panel prior to the hearing.
6. The Appeals Panel will have the power to confirm or alter the decision of the Head of Service.
7. The decision of the Appeals Panel will be final and no further right of appeal or hearing will be allowed under these procedures. The decision will be conveyed orally to the employee at the conclusion of the appeal hearing by the Chair of the Panel.
8. The effective date of dismissal will be the date of the Attendance Hearing. All dismissals under this procedure will be with notice pay.

**NOTE** **Employment Tribunal**

Nothing in these procedures will restrict an employee from exercising statutory rights under employment law.