

# Employee guide to Ill Health Termination

## Who will be on the panel?

A General Manager/Site Director or equivalent and an HR Manager. Your line manager and the HR Representative who have been carrying out long term absence meetings will also be present.

## Can I still keep my staff bank contract if my substantive post has been terminated?

The panel will take any bank contract you hold within NHSL into consideration when hearing your case. If they feel it is appropriate to also terminate your bank contract, you will be informed of this.

## If my health improves can I apply for jobs within NHSL in the future?

Yes, this would be subject to normal pre-employment checks carried out by recruitment including Occupational Health advice.

**If you have any questions which have not been covered, please contact the HR representative who has been dealing with your case.**

HR Rep:

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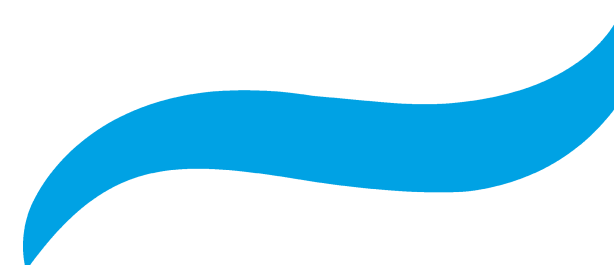
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## ILL HEALTH TERMINATION

It may be that an employee's ill health results in them being unfit to return to their post or any other suitable alternative post.

In this case, a formal Stage 3 meeting in line with the Attendance Policy will be arranged. This meeting is to discuss what the nature of the illness is, any steps that have been put in place to assist with a return to work and information from Salus Occupational Health and/ or GP.

The meeting will be chaired by a General Manager/Site Director or equivalent and an HR Manager, alongside the employee's line manager and HR Representative who have been carrying out long term attendance meetings. The line manager will present a case detailing the support given and why they believe termination of employment is appropriate.

The employee can be accompanied by their union representative or a work colleague. This meeting will allow the employee to put their case forward to the panel for consideration.

It is recognised that this is a difficult and emotive time for employees and all formal meetings are dealt with sensitively.

## PAYMENTS

If it is decided that the employee's contract is to be terminated on grounds of ill health incapacity, the employee is entitled to notice of termination which is paid over a period of up to a maximum of twelve weeks, depending on length of service. This is subject to normal tax and NI deductions. This is calculated on completed years' service and is paid one week per year worked, up to a maximum of 12 years. In most cases, this will be paid in lieu of notice. If the employee wishes to be paid for their notice period, they should request this.

Employees are entitled to all leave accrued within the current leave year, from the 1st April to their date of termination. This will be paid in the final salary.

If the employee's absence crossed over from the previous leave year, they are entitled to be paid for the statutory leave year (5.6 weeks), minus any annual leave or public holidays taken within that leave year.

## FAQS ILL HEALTH TERMINATION PROCESS

### **Why are you recommending my contract should be terminated on grounds of ill health?**

This decision may be made at the meeting if you have been absent from work for an extended period, there is no definitive timescale on a return to work, there are no adjustments that can be made to your role to enable you to remain at work and there are no alternative roles available elsewhere in the organisation. Occupational Health advice will also be taken.

If you are not happy with this outcome upon termination of employment you do have the right of appeal, which will be explained to you at Stage 3 panel and the process communicated in your outcome letter.

### **Do I have to attend the formal meeting?**

Whilst NHS Lanarkshire would wish you attend meetings of this nature personally, where you determine this not appropriate for your health, we can offer adjustments to our usual process.

If you wish the meeting to proceed in your absence, you can either submit a written case in advance of the hearing or your trade union representative or colleague can attend on your behalf and present either a written or a verbal case for consideration.