

Equal opportunities policy (including harassment and disability)

The following document sets out the Firm's policy on equal opportunities. The Firm is committed to a policy of treating all its employees and job applicants equally. No employee or potential employee shall receive less favourable treatment or consideration on the ground of race, colour, religion or belief, nationality, ethnic origin, sexual orientation, gender, age, disability, marital status or part-time status or will be disadvantaged by any conditions of employment that cannot be justified as necessary on operational grounds. The Firm's policies on maternity and parental leave are set out in separate documents, copies of which are available from the Directors.

Principles

There should be no discrimination on account of race, colour, religion or belief, ethnic origin, sexual orientation, gender, age, disability, nationality or marital or part-time status.

The Firm will appoint, train, develop, reward and promote on the basis of merit and ability.

All employees have personal responsibility for the practical application of the Firm's equal opportunities policy, which extends to the treatment of job applicants, employees (including former employees), customers and visitors.

Special responsibility for the practicable application of the Firm's equal opportunities policy falls upon Directors, supervisors and staff involved in the recruitment, selection, promotion and training of employees.

The Firm's grievance procedure is available to any employee who believes that he or she may have been unfairly discriminated against. The harassment complaints procedure set out in this policy is available to any employee who believes that he or she may have been harassed. Employees will not be victimised in anyway for making such a complaint in good faith. Complaints of this nature will be dealt with seriously, in confidence and as soon as possible.

Disciplinary action will be taken against any employee who is found to have committed an act of unlawful discrimination. Serious breaches of this policy and serious incidents of harassment will be treated as gross misconduct. Allegations of discrimination which are not made in good faith will also be considered as a disciplinary matter. Confidential records of ongoing matters dealt with in accordance with this policy will be kept.

In the case of any doubt or concern about the application of this policy in any particular instance, consult the Directors.

The Firm will keep under review its policy, procedures and practices on equal opportunities.

Equal opportunities code of practice

Objectives

The Firm has introduced this equal opportunities policy. The Firm regards this as a commitment to make full use of the talents and resource of all its employees and to provide a healthy environment which will encourage good and productive working operations within the organisation. This code of practice describes how the policy is to be applied throughout the Firm.

The Firm is particularly concerned that equality of opportunity is maintained in the following areas:

1. Recruitment and selection;

2. Promotion, transfer and training;
3. Terms of employment, benefits, facilities and services;
4. Grievances and disciplinary procedures;
5. Dismissals and redundancies.

Code of practice

An equal opportunities policy statement will be displayed on all notice boards and sent to all staff. A copy of this policy is available from the Directors.

The Firm will ensure that all supervisors with the responsibility for any of the areas of particular concern listed under 'Objectives' above are provided with the appropriate equal opportunities training where necessary. Up-to-date literature on equal opportunities is always available from the Directors.

The Directors will regularly monitor the effectiveness of this policy to ensure that it is working in practice and review and update this policy as and when necessary.

Recruitment and selection

The following principles should apply whenever recruitment or selection for positions takes place:

1. Individuals will be assessed according to their personal capability to carry out a given job;
2. Assumptions that only certain types of person will be able to perform certain types of work must not be made;
3. Any qualifications or requirements applied to a job which have or may have the effect of inhibiting applications from certain types of person should only be retained if they can be justified in terms of the job to be done;
4. Any age limits applied to a job should only be retained if they can be justified in terms of the job to be done;
5. Recruitment solely or primarily by word of mouth should be avoided if its effect is or may be to prevent certain types of person from applying;
6. Selection tests should be specifically related to job requirements and should measure the person's actual or inherent ability to do or train for the work;
7. Selection tests should be reviewed regularly to ensure they remain relevant and free from any unjustifiable bias, either in content or in scoring mechanism;
8. Applications from different types of person should be processed in the same way;
9. Written records of interviews and reasons for appointment and non appointment should be kept;
10. Questions should relate to the requirements of the job; if it is necessary to assess whether personal circumstances may affect job performance, this should be done objectively without questions or assumptions being made which are based on stereotyped beliefs about certain types of person;
11. Where the Firm's arrangements for recruitment and selection put disabled people at a substantial disadvantage due to a reason connected with their disability, reasonable adjustments to the arrangements should be made to eliminate or if that is not reasonably practicable, reduce the disadvantage unless objectively justified;
12. No decisions regarding recruitment or selection should be made by a person who has not read and understood this policy.

Promotion, transfer and training

The following principles should apply to appointments for promotion, transfer and training:

1. Assessment criteria and appraisal schemes should be carefully examined to ensure that they are not unlawfully discriminatory;
2. Assessment criteria and appraisal schemes should be monitored and, where such criteria or schemes result in predominantly one group of workers gaining access to promotion, transfer or training, they will be checked to make sure this is not due to any hidden or indirect discrimination;
3. Promotion and career development patterns will be monitored to ensure that access to promotion and career development opportunities in particular groups of workers are not unjustifiably being excluded;
4. Traditional qualifications and requirements for promotion, transfer and training, such as length of service, and age, which may discriminate against certain groups of workers shall be reviewed and will only continue to be applied if genuinely justified;
5. Policies and practices regarding selection for training, day release and personal development should not result in an imbalance in training between groups of workers unless this is objectively justified;
6. Where the Firm's arrangements in relation to promotion, transfer or training put disabled workers at a substantial disadvantage for a reason connected with their disability, reasonable adjustments to the arrangements should be made to eliminate or, if that is not reasonably practicable, reduce the disadvantage unless objectively justified.

Terms of employment, benefits, facilities and services

The following principles shall apply to terms of employment, benefits, facilities and services:

1. The terms of employment, benefits, facilities and services available to workers should be reviewed regularly to ensure that they are provided in a way which is free from unlawful discrimination;
2. Part-time workers should receive pay, benefits, facilities and services on a pro-rata basis to their full-time comparator unless otherwise objectively justified;
3. Where the Firm's arrangements relating to terms of employment, benefits, facilities and services put disabled workers at a substantial disadvantage due to a reason connected with their disability, reasonable adjustments to the arrangements should be made to eliminate or, if that is not reasonably practicable, reduce the disadvantage unless otherwise objectively justified;
4. Pay and bonus criteria, policies and arrangements should be carefully examined and monitored, and if it appears that any group of workers are disadvantaged by them they will be checked to make sure that this is not due to any hidden or indirect discrimination.

Grievances, disciplinary procedures, dismissals and redundancies

Workers who, in good faith, bring a grievance (or assist another to do so) either under this policy or otherwise in relation to an equal opportunities matter will not be disciplined, dismissed or otherwise victimised for having done so.

Any group of workers will not be disciplined or dismissed for performance or behaviour which would be overlooked or condoned in another group unless there is genuine and lawful justification for this.

Redundancy criteria and procedures will be carefully examined to ensure that they do not operate in an unlawfully discriminatory manner.

The provision of voluntary redundancy benefits will be equally available to all workers concerned unless there is a genuine and lawful justification for doing so otherwise.

Harassment

Policy statement

All employees have the right to work in an environment which is free from any form of harassment.

It is the Firm's policy that the harassment of any of its employees is unacceptable behaviour. Anyone found to be in breach of this policy will be liable to disciplinary action which could result in their dismissal.

Harassment—What is it?

Harassment takes many forms, occurs on a variety of different grounds and can be directed at one person or many people. An essential characteristic is that it is unwanted by the recipient and that the recipient finds the conduct offensive or unacceptable. Conduct becomes harassment if it is persisted in once it has been made clear that it is regarded by the recipient as offensive, although a single incident may amount to harassment if sufficiently serious. It is the unwanted nature of the conduct which distinguishes harassment from friendly behaviour which is welcome and mutual.

Harassment can be based on:

1. Race, ethnic origin, nationality or skin colour;
2. Gender or sexual orientation;
3. Power or hierarchy;
4. Willingness to challenge harassment (leading to victimisation);
5. Membership, or non-membership of a trade union;
6. Disabilities, sensory impairments or learning difficulties;
7. Age;
8. Possible links to AIDS/HIV;
9. Status as an ex-offender;
10. Health;
11. Physical characteristics;
12. Religion or belief.

Whilst not an exhaustive list, forms of harassment include:

1. Physical contact;
2. Jokes, offensive language, gossip, slander, offensive or sectarian songs and
3. Letters;
4. Posters, graffiti, obscene gestures, emblems, flags;
5. Offensive e-mail, screen savers etc;
6. Isolation or non co-operation and exclusion;
7. Coercion for sexual favours;
8. Pressure to participate in political/religious groups;
9. Intrusion by pestering, spying and stalking.

Harassment is unlawful in many cases and individuals may be legally held liable for their actions.

Procedure

Due to the seriousness with which the Firm views harassment, informal and formal reporting procedures have been introduced which are separate from the Grievance Procedure as a mechanism for dealing with complaints of harassment.

All allegations of harassment will be dealt with seriously, promptly and in confidence. Employees who feel they have been subject to harassment must not hesitate in using this procedure nor fear victimisation. Retaliation against an employee who brings a complaint of harassment is a serious disciplinary offence which may constitute gross misconduct.

The Directors will provide, in confidence, advice and assistance to employees subjected to harassment and assist in the resolution of any problems, whether through informal or formal means.

Informal procedure

If an incident happens which you think may be harassment and you do not wish it to happen again, you may prefer initially to attempt to resolve the problem informally. In some cases it may be possible and sufficient to explain clearly to the person engaging in the unwanted conduct that the behaviour in question is not welcome, that it offends you or makes you uncomfortable and that it interferes with your work. You should make it clear that you want the behaviour to stop.

In circumstances where this is too difficult or embarrassing for you to do on your own you should seek support from a friend or a personnel officer.

If you are in any doubt as to whether an incident or series of incidents which have occurred constitute harassment, then in the first instance you should approach a personnel officer on an informal basis. He or she will be able to advise you as to whether the complaint necessitates further action, in which case the matter will be dealt with formally/informally as appropriate.

If the conduct continues or if it is not appropriate to resolve the problem informally, it should be raised through the following formal process.

Formal procedure

Where informal methods fail, or serious harassment occurs, you are advised to complain formally to the Directors.

Consideration will be given to the immediate separation of the complainant and the alleged harasser. In serious cases the alleged harasser may be suspended.

You will be interviewed by a Director handling the complaint to establish full details of what happened. He or she will then carry out a thorough, impartial and objective investigation as quickly as possible. Those carrying out the investigation will not be connected with the allegation in any way. An investigation will be carried out quickly, sensitively and with due respect for the rights of both you and the alleged harasser.

The investigation will involve interviews with the person against whom you are making the complaint. The alleged harasser will be given full details of the nature of the complaint and will be given the opportunity to respond.

You and the alleged harasser will have the right to be accompanied and/or represented by a colleague at any interviews. You will not be asked to provide details of the allegations repeatedly unless this is essential for the investigation.

Strict confidentiality will be maintained throughout the investigation into the allegation. Where it is necessary to interview witnesses the importance of confidentiality will be emphasised to them.

When the investigation has been completed you will be informed whether or not your allegation is considered to be well founded.

If the allegation is well founded disciplinary action may be taken against a person alleged to have committed the behaviour you are complaining about and, depending on the circumstances and the seriousness of the complaint, may result in the dismissal of that person.

If the allegation is not well founded, consideration will be given to whether it is necessary to transfer or reschedule the work of both or either party, in cases where it would not be appropriate for you to continue to work in close proximity.

The Firm takes these matters very seriously. However, malicious complaints of harassment can have a serious and detrimental affect upon a colleague. Any unwarranted allegation of harassment, made in bad faith, will be deemed potential gross misconduct. We are sure that all employees appreciate that this must be so to protect the integrity of this policy.

Disabilities

Policy

It is the Firm's policy that disabled people, including job applicants and employees, should be able to participate in all of the Firm's activities fully on an equal basis with people who are not disabled.

Disabilities—What are they?

For the purpose of this policy, disabilities are either physical or mental impairments that have a substantial and long term affect upon a person's ability to carry out normal day-to-day activities.

Some disabilities are immediately obvious, for example use of a wheelchair, while other disabilities may not be apparent at all, for example HIV infection. Certain conditions are not considered to be disabilities, for example poor eyesight which is corrected simply by wearing prescription spectacles, or addiction to alcohol or other substances. If you would like further information about whether a particular condition is a disability you should contact the Directors.

Normal day-to-day activities are any of the following:

1. Mobility;
1. Manual dexterity;
2. Physical co-ordination;
3. Continence;
4. Ability to lift, carry or otherwise move everyday objects;
5. Speech, hearing or eyesight;
6. Memory or ability to concentrate, learn or understand; or
7. Perception of risk of physical danger.

Principles

The general equal opportunity principles set out earlier in this policy will, unless objectively justified, apply in relation to disabled people.

The Firm will take all reasonably practicable steps to ensure that disabled people are able to participate in its business and activities on an equal basis with people who are not disabled.

The Firm will not, for a reason relating to a person's disability, treat disabled people less favourably than it treats, or would treat, others to whom the same reason does not or would not apply, unless genuinely justified.

If any arrangements made by or on behalf of the Firm, or any physical feature of premises occupied by the Firm, put disabled people at a substantial disadvantage compared to people who are not disabled, the Firm will take such reasonably practicable steps as it can to prevent this disadvantage.

The Firm is particularly concerned that disabled workers are treated equally in the following areas:

1. Recruitment and selection;
2. Promotion, transfer and training;
3. Terms of employment, benefits, facilities and services; and
4. Dismissals and redundancies.

Procedure

Due to the wide variety of potential disabilities and the likelihood of a disability affecting different people in different ways, it would be inappropriate to prescribe rigid rules on how issues concerning disabled people should be dealt with. What is essential however, is that all Directors, supervisors and staff take all reasonably practical steps to ensure that disabled people are not less favourably treated or disadvantaged by comparison to people who are not disabled, in relation to their work, working environment or by arrangements made by the Firm.

The following general steps should always be considered where issues concerning disabilities arise or may arise.

1. Be flexible. There may be many different ways to avoid discrimination or to minimise the effects of discrimination.
2. Do not make assumptions. Whenever possible talk to the disabled person to find out how his disability affects him and what steps he thinks might help.
3. Seek expert advice. Disability issues can be complex, you may need expert medical advice about a person's disability, or expert technical advice about adjustments to technology or premises that might help the disabled person.
4. Think ahead. Try to anticipate the effects that certain arrangements may have on disabled people, even if there are no disabled employees at the time, to prevent problems occurring in the future.
5. Consider any performance or attendance problems in the context of the person's disability and its affect on his or her ability to meet performance and attendance targets.
6. Do not discipline or dismiss a disabled employee for performance or attendance based reasons without first establishing whether the performance or attendance is affected by the disability and appropriate adjustments to accommodate the disability have been made.

Start Date

This policy came into force in August 2005

E-mail, fax and Internet policy

The Firm expects all its computer facilities to be used in a professional manner. These facilities are provided by the Firm at its own expense for its own business purposes.

It is the responsibility of each employee to ensure that this technology is used for proper business purposes and in a manner that does not compromise the Firm or its employees in any way. This policy document is to be read in conjunction with the Disciplinary Procedure.

Policy

Confidentiality

You should not transmit anything by e-mail or fax that you would not be comfortable writing in a letter or a memorandum. You should note that electronic messages are admissible as evidence in legal proceedings and have been used successfully in libel cases.

You should never assume that internal messages are necessarily private and confidential, even if marked as such. Matters of a sensitive or personal nature should not be transmitted by e-mail unless absolutely unavoidable. Employees are reminded that e-mails may be viewed and monitored by the Directors.

Internet messages should be treated as non-confidential. Anything sent through the Internet passes through a number of different computer systems all with different levels of security. The confidentiality of messages may be compromised at any point along the way unless the messages are encrypted.

Offensive messages

You must not send offensive, demeaning or disruptive messages. This includes, but is not limited to, messages inconsistent with the Firm's Equal Opportunity Policy and Harassment Policy.

You should therefore not place on the system any message that you regard as personal, potentially offensive or frivolous to you or to any recipient.

If you receive any mail containing material that is offensive or inappropriate to the office environment then you must delete it immediately. Under no circumstances should such mail be forwarded either internally or externally.

Passwords

You must not allow other employees to use your password. If you anticipate that someone may need access to your confidential files in your absence you should arrange for the files to be copied to somewhere where that person can access them.

Viruses

Any files or software downloaded from the Internet or brought from home must be virus-checked before use. You should not rely on your own PC to virus-check any such programmes but should refer direct to the IT Director) or Practice Manager.

You must not run any executable files (usually, but not always, ending with ".exe" without checking with the IT Director or Practice Manager. If any such file should arrive as an attachment to an email, check with the IT Director or Practice Manager immediately. These should be deleted immediately upon receipt without being opened unless the IT department authorises otherwise.

Think carefully before opening an email from an unknown sender as it may be a virus circular. Do not be tempted by interesting subject lines. This was how the 'I love you' virus was spread. Be suspicious of all attachments. Viruses can come in almost any form including Word macros and screen savers.

Incoming Message

All incoming messages related to client work must be printed out and a hard copy placed on the file. The fee earner must refer any e-mail of substance to the Department Head.

No undertakings may be accepted by e-mail.

Outgoing Messages

As appropriate or agreed with the fee earner, an outgoing message may require the approval of a Director if similar written letters would have required such approval.

A printed copy of outgoing messages is to be placed on the relevant client file. Undertakings may not be given by e-mail.

ALWAYS check attachments to ensure that they are correct.

ALWAYS consider whether your e-mail response is appropriate. If in doubt, place the e-mail in a drafts folder for a "cooling-off" period.

The firm's e-mail system is for work related e-mails only.

A footer which complies with SRA regulations is automatically added to outgoing e-mails. If any employee believes that the footer has not been added then the matter must be referred without delay to the IT Director or Practice Manager.

Deletion of E-mails

It is the responsibility of the individual member of staff to review and regularly delete e-mail messages which are no longer required. Please be aware that all incoming and outgoing messages on client matters must be regarded as being normal correspondence and are therefore subject to the normal retention periods.

Fee earners should ensure that printed copies of all e-mails are placed on files before deleting. Please note however that deleted e-mails are still stored on the system and may be accessed in the future: legal actions have been brought on the basis of incriminating, "deleted" e-mails.

The Internet

Access to the Internet during working time should be limited to matters relating to your employment. Any unauthorised use of the Internet is strictly prohibited. Unauthorised use includes but is not limited to connecting, posting or down-loading any information unrelated to your employment and in particular pornographic material, engaging in computer hacking and other related activities, attempting to disable or compromise security of information contained on the Firm's computers.

The firm allows limited access to the internet during breaks such as lunch hour. However, such access should be limited to known and trusted sites. Accessing pornographic or offensive or illegal material AT ANY TIME will be regarded as Gross Misconduct.

Postings placed on the Internet may display the Firm's address. For this reason you should make certain before posting information that the information reflects the standards and policies of the Firm. Under no circumstances should information of a confidential or sensitive nature be placed on the Internet.

Information posted or viewed on the Internet may constitute published material. Therefore, reproduction of information posted or otherwise available over the Internet may be done only by express permission from the copyright holder.

You must not commit the Firm to any form of contract through the Internet.

Subscriptions to news groups and mailing lists are only permitted when the subscription is for a work-related purpose. Any other subscriptions are prohibited.

Interception of communications

The Firm reserves the right to intercept any e-mail for monitoring purposes, record keeping purposes, preventing or detecting crime, investigating or detecting the unauthorised use of the Firm's telecommunication system or ascertaining compliance with the Firm's practices or procedures.

THE FIRM CONSIDERS THIS POLICY TO BE EXTREMELY IMPORTANT. IF YOU ARE FOUND TO BE IN BREACH OF THE POLICY THEN YOU WILL BE DISCIPLINED IN ACCORDANCE WITH THE DISCIPLINARY PROCEDURE AND YOU MAY BE DISMISSED. IN CERTAIN CIRCUMSTANCES. BREACH OF THIS POLICY MAY BE CONSIDERED GROSS MISCONDUCT RESULTING IN IMMEDIATE TERMINATION OF YOUR EMPLOYMENT.

Start Date

This policy came into force in August 2005 and was amended in May 2009 [updated 16.07.09]

19. Attendance policy

Policy

The Firm is committed to ensuring that its employees attend work whenever possible. However, the Firm also recognises that people do succumb to ill health and where this is the case will, through consultation with the employee and medical advisers when appropriate, manage such absence with the ultimate aim of getting that employee back to work as soon as possible. The Firm has developed this policy to help facilitate such management of employees' attendance.

Scope

This policy applies to all employees of the Firm.

Principles

Attendance will be managed fairly, reasonably and in a consistent manner.

Attendance will be managed in line with relevant employment legislation and best practice principles.

Management of attendance will focus on the employee's level of absence and the reason or reasons for the absence.

Employees will be advised of any concerns that the Firm has about their attendance level at the earliest opportunity.

Persistent or unauthorised absence may result in disciplinary action.

Responsibilities

It is the responsibility of the Directors to:

1. ensure that the attendance policy is accessible to all employees;
2. ensure that the attendance procedure is implemented effectively and complied with at all times;
3. communicate the required standards of attendance;
4. closely monitor and manage the absence of and maintain attendance records for all employees;
5. seek appropriate guidance where necessary from relevant professional bodies and/or advisors on the appropriate management of sickness absence;
6. obtain medical evidence from an employees' general practitioner and/or an occupational physician where appropriate to assist with the management of employee attendance.

It is the responsibility of every employee to:

1. take responsibility for his attendance at work;
2. take responsibility for his recovery and timely return to work;
3. comply with the Firm's notification and certification procedures;
4. comply with reasonable requests for a medical report to be obtained from his general practitioner and to undergo an occupational health medical examination when required;
5. provided sufficient information to the Firm as and when required to facilitate a timely return to work.

Procedure

Notification

Employees must notify the Directors of any absence at the earliest opportunity and no later than fifteen minutes from the start of the employee's normal working day on the first working day of absence and every subsequent day of absence for the first 5 working days of absence. The frequency and timing of contact in the case of absences exceeding 5 days will be agreed on a case by case basis. If an employee is absent due to ill health the employee will be required to give details of the nature of the illness and an indication of their anticipated length of absence. Employees should note that leaving a message with a colleague will not be acceptable.

Certification

Employees must complete a self-certification form for absences of 5 working days or less immediately after their return to work. For absence of more than 5 working days the employee will be required to obtain a medical certificate and forward this to the Directors within 2 working days of issue. If the employee's absence continues after the expiry of the first certificate, further certificates must be obtained as necessary to cover the whole period of absence and forwarded to the Directors within 2 working days of issue.

Payment

The payment of sick pay may be withheld in the following circumstances:

1. If the Directors have reasonable grounds to believe that an employee is fit to work and/or making misrepresentations with regard to his ability to work;
2. If an employees' ill health is caused by the misuse of alcohol, illegal substances, criminal actions or other malpractice;
3. If the ill health or injury is self-inflicted or is incurred as a result of participation in either a dangerous sporting activity or in a professional sporting event of any kind;
4. If the employee has failed to comply with the Firm certification and/or notification procedures.

If an employee's ill health or injury is the result of an accident caused by a third party in respect of which damages are recoverable then the employee shall:

1. Notify the Directors immediately of all the relevant circumstances and of any claim, compromise, settlement or judgment made or awarded in connection with it;
2. Give to the Directors such information concerning the above matters as the Directors shall reasonably require; and
3. If the Directors so require, refund to the Firm any amount received by him from any such third party provided that the refund shall be no more than the amount which he has recovered in respect of the sick pay which he has received.

Holidays

Holidays will continue to accrue during any period of sickness absence in accordance with the Working Time Regulations 1998. Any holidays that are taken whilst an individual is on long term sickness should be booked and authorised in the normal way. Sickness benefit will not be paid during any holiday that is taken.

The normal restrictions on carrying over holiday entitlement will apply. As such, any holiday accrued but not taken by the end of the holiday year will be lost.

Attendance monitoring

The Directors will conduct regular attendance reviews with an absent employee where his absence is over 2 weeks' duration: whilst this will usually be for continuous absences, reviews may be appropriate where the duration is of a cumulative nature. These will usually involve the employee visiting the Firm's premises although reviews may be conducted at the employee's home (with the employee's consent). The purpose of such reviews will be to ensure that the employee is receiving appropriate support and to ensure that the Firm has an up-to-date understanding of the latest medical situation and prognosis. The specific issues that will be considered will be the likelihood of an improvement in health and subsequent attendance, the availability of alternative work, the effect of past and future absences on the organisation and whether there are any reasonable adjustments which could be made with regard to the employee's work. The review will also assist the Directors with forward planning. They will usually be conducted by the Directors. The employee may be accompanied to any review (usually by an employee or work colleague).

Attendance reviews along the lines outlined above may also be conducted where the employee's absence is of less than 2 weeks' duration if the absence is causing the Firm concern.

Medical examination

The Firm may require an employee to undergo a medical examination by an occupational health practitioner at any time. The purpose of such examination is to understand the medical condition of the employee and the causes of such condition, to obtain an accurate prognosis and to obtain advice upon what, if any, reasonable adjustments could be made to facilitate the employee's return to work.

Occupational health examinations will usually be considered and arranged once the employee has been absent for over 4 weeks.

Occupational health staff may seek additional information from the employee's general practitioner and/or consultants. If this is necessary such information shall be obtained in accordance with the Access to Medical Reports Act 1988.

Return to work

Where an employee wishes to return to work prior to the date noted on a medical certificate he must obtain a signing-off note from his general practitioner prior to attending for work. Where an employee's general practitioner advises that an employee is not fit to return he will not be permitted to return.

When an employee returns to work following continuous sickness of 5 working days or more the Directors will conduct a return to work interview on the first day of return.

Where the Directors are concerned about the level or pattern of absence they may conduct an informal guidance meeting with the employee. The employee will be entitled to be accompanied to any such guidance an employee or a work colleague. He will also have the opportunity to make representations.

Where the Directors have serious concerns about the level or pattern of absence they may, following a return to work meeting, deal with it under the Disciplinary Procedure. The Disciplinary Procedure will not, however, normally be used in cases of long term sickness absence.

Reasonable adjustments

The Firm will comply with its obligations with regard to the obligation to make reasonable adjustments under the Disability Discrimination Act 1995.

The Firm will, wherever possible, consider all reasonable adjustments which could be made in respect of an employee's work in order to facilitate their return to work. Such adjustments may include a reduction in hours, the transfer of certain duties to other employees, physical adjustments and re-training. Such adjustments may be adopted on a temporary or permanent basis depending on the circumstances of each case.

Alternative employment

If an employee is unable to return to his own job, the Firm will, with the assistance and advice from an occupational health physician where appropriate, consider suitable alternative employment, although the Firm will not be obliged to create new positions for this purpose.

If an employee is to return to work in an alternative role revised terms and conditions will be agreed with him before such return.

Incapability

Where an employee is not capable of returning to his job due to ill health even if reasonable adjustments are made and no suitable alternative employment can be found notice of termination may be issued following a period of consultation. Such termination will usually be on the grounds of capability. In such circumstances pay may be given in lieu of notice.

Where absences are of a short term or multiple nature and the employee's attendance record is unacceptable, the employee will be interviewed and may be issued with a formal warning that if his attendance record does not improve then dismissal may result. If, after such warning, the employee's attendance record does not improve, the employee's employment may be terminated on the grounds of capability or conduct or some other substantial reason depending on the circumstances of the case. In such circumstances pay may be given in lieu of notice.

The Firm reserves the right to terminate an employee's employment notwithstanding the existence of any permanent health insurance cover provided for the employee by the Firm.

If during the currency of any notice of termination given to the employee pursuant to paragraphs 1 or 3 in the incapacity section above, the employee provides medical evidence satisfactory to the Firm to the effect that he has fully recovered his physical and/or mental health and that no recurrence of illness or incapacity can reasonably be anticipated the Firm may withdraw the notice unless, by that date, a replacement for the employee has been appointed.

Specific absences

An employee who is absent from work due to a substance misuse problem will be treated in accordance with the Firm's Alcohol and Drugs Policy.

Where an employee is pregnant she will be managed considerately and in accordance with employment legislation and the Firm's Maternity Policy. Pregnancy-related absences during the pregnancy and maternity leave, and time off for ante-natal appointments, will not be taken into account when reviewing an individual's attendance record. In addition, maternity leave will not be classed as absence for the purpose of attendance monitoring.

Lateness

Lateness (i.e. failure to attend work at agreed times), where associated with short-term frequent absences, will be included within an employee's attendance record and managed within the attendance review procedure and, where appropriate, the Firm's disciplinary procedure.

Lateness for the purposes of this procedure shall mean 5 minutes or more after the due time.

Lateness which is not associated with short term frequent absences will be investigated and managed through the Firm's disciplinary procedure.

Unauthorised absence

Unauthorised absence, for example leaving the Firm's premises without permission or failing to comply with the Firm's notification and certification procedures will be recorded on an employee's attendance record and is likely to be dealt with within the Firm's disciplinary procedure.

Compassionate leave

Compassionate leave may be granted at the discretion of the Directors for appropriate reasons in accordance with the relevant guidelines on bereavements, domestic emergency leave, parental leave etc. Depending on the relevant circumstances such leave may be paid or unpaid. For the avoidance of doubt, compassionate leave will not normally be included for review purposes on an employee's attendance record.

Paternity Leave

Paternity leave shall be granted in accordance with relevant legislation (as amended from time to time) for the period of time, and subject to such pay and absence conditions as are set out in law from time to time.

Representation

Employees will be entitled to be accompanied by a work colleague to any meetings which could result in a formal warning or some other caution.

Start Date

This policy came into force in August 2005.