

Staff Medical Leave

(Policy and Procedure)

Approval Arrangements

All statutory policies in the Trust are ultimately the responsibility of the Trust Board. To enable it to discharge this responsibility appropriately and in collaboration with the constituent schools, the Trust Board will either

1. set a full Trust wide policy, which applies in the same way to all schools
2. require individual schools to set a policy (In most cases with Trust-provided guidance) appropriate to the needs and circumstances of an individual school

Approval Body:	CEO
Adopted:	4 July 2025
Author :	Human Resources Director
Next review due:	July 2028
Review period:	3 years
Version:	1.1

This policy has been adopted following consultation with recognized trade unions

1 Introduction

Tenax Schools Trust recognises the vital contribution made by its employees to providing the best possible education to the children and young people in each of our schools. Tenax Schools Trust has a responsibility to provide a healthy and safe place to work, and employees have a corresponding responsibility to take reasonable steps to look after their own health and wellbeing and seeking medical or other assistance when appropriate.

The Trust understands that all staff will fall ill from time to time and, in most instances, this will be short-term, minor ailments. However, the Trust also recognises that sometimes people have more serious, or long-term conditions that may affect them in different ways. The Trust acknowledges that these can cause individuals personal and financial difficulties and aims to support all staff. However, the Trust has a responsibility to other staff who may be affected by the absence of their colleagues, and for the outcomes for the children and young people in Trust schools. The Trust must, therefore, balance the support to our staff with the responsibilities for the services we provide to the Trust communities.

Where the Trust, or school, has reason to believe that absence may not be genuine, or for the stated reason, the Trust reserves the right to investigate this under the Discipline and Conduct Policy.

Employees are also referred to the Staff Wellbeing Toolkit for Staff and Line Managers, and Family Policies.

2 Ethos

The vision of the Tenax Schools Trust is to achieve excellence by working together so that all may feel loved and liberated to serve a thriving society. We are committed to education providing life-changing, transformative opportunities to every child and young person in our schools.

We recognise the vital contribution made by every employee, to providing this transformative education. Our Trust is a place where everyone should be able to flourish in a loving and hospitable community, where all are treated with dignity and respect. Each employee, in all their unique difference should be able to thrive, irrespective of physical appearance, age, gender, race, religion, ethnicity, socio-economic background, academic ability, disability, sexual orientation, marital status or gender identity.

3 Aims

The Trust's schools, entities and central services operations are guided by our vision of delivering excellence together, securing a transformative education for every child and young person.

The Trust recognises that an individual's health and wellbeing can impact their ability to attend work consistently. This policy outlines the Trust's approach to supporting staff who need time off for medical reasons, with the aim of enabling recovery and a sustained return to work.

The aim of this policy is to outline Tenax Schools Trust's approach to managing staff attendance and supporting health and well-being in the workplace. The policy sets out expectations, responsibilities and procedures for managing both short and long-term sickness absence.

This policy applies to all employees of the Trust, including school-based and central team staff, as well as the Chief Executive Officer. It covers all working arrangements, including full-time, part-time, and fixed-term contracts.

4 Legislation and Guidance

Education (Health Standards) Regulations 2003
Employment Rights Act 1996
Health and Safety at Work Act 1974
Access to Medical Reports Act 1988

This policy should also be read in conjunction with our other Trust policies including our:

Staff Leave of Absence Policy
Discipline and Conduct Policy

For information about how personal data is collected, processed and stored, please see the Data Protection Policy, Records Management Policy and Privacy Notices

These are available at <https://www.tenaxschoolstrust.co.uk/our-policies/>

5 Responsibilities of the Trust

- To provide a healthy and safe working environment to all staff.
- To discharge the Trust's obligations under the contemporary legislation, including obligations under the Equality Act 2010
- To maintain reasonable and appropriate contact with all employees during periods of absence
- To provide reasonable support to employees, including appropriate access to Occupational Health services, employee assistance programmes and reasonable adjustments where required
- To ensure line managers are equipped in managing absence and supporting employee wellbeing in a consistent and compassionate manner
- To monitor absence levels and the effectiveness of support mechanisms and review this policy periodically to ensure ongoing relevance and compliance
- To ensure that personal and medical information is handled confidentially and in accordance with data protection legislation

6 Responsibilities of the employee

- To take reasonable steps to look after their own health and wellbeing
- To attend work consistently
- To follow the Trust/school absence reporting procedures
- To cooperate with reasonable requests for support from Employee Assistance, or Occupational Health providers
- To advise the Trust/school of factors inhibiting their ability to attend work consistently and work in partnership to address these
- To provide appropriate medical documentation or updates if absence extends beyond self-certification period
- To participate in return-to-work discussions/meetings and, where relevant, phased return or adjustment planning

7 Information processing and sharing

To meet the standards required by data protection legislation, the Trust, the employee and any representative of the employee, share a responsibility to maintain confidentiality under this procedure. Full details of the rights and responsibilities of the employee and Trust can be found in the Trust's Data Protection Policy and Workforce Privacy Notice.

The Trust will only share information about an employee with a representative where express consent has been given. In the event of sudden, complete incapacity, the Trust will need evidence of Lasting Power of Attorney (LPA) in order to discuss personal information with next-of-kin or the appointed representative. As employment can span the areas of financial and welfare affairs, the Trust will normally require evidence of a health and welfare, and a financial LPA. This will not apply to non-personal information, such as the provision of a general policy, or other publicly available information.

Employees with relapsing and remitting conditions may wish to give conditional consent for the Trust to communicate with a nominated representative in advance of any relapse. For example, in the event of a mental health condition that may seriously impair the employee's capacity to communicate with the school. Such consents are voluntary and may be withdrawn at any time. Employees should discuss their wishes with their headteacher/line manager or Human Resources.

8 Delegated responsibility

In schools, the management of attendance may be delegated to staff other than the Headteacher. References to the role of the Headteacher in the policy and procedure include their nominee, or Headteacher from any Trust school.

For non-school staff, the management of attendance will normally be carried out through the individual's reporting line.

9 Wellbeing

The Trust recognises that the mutual responsibilities for employee wellbeing go beyond managing absence from the workplace. Further details of ways in which the Trust can support employee wellbeing whilst in work can be found in the Trust's Staff Wellbeing Toolkit.

10 Time off for Medical Appointments

Whilst there is no statutory entitlement for staff to take time off to attend medical appointments, the Trust recognises that these can be crucial to support staff wellbeing. Staff are expected to make routine appointments outside of the working day, on non-working days or during school closure periods wherever possible. Prior approval is required to take time off for appointments during working hours, and employees should include evidence of the appointment wherever possible (such as a letter or appointment card). Employees are asked to attempt to make these at the start or end of the working day in order to minimize the disruption to the school. Staff may be asked to rearrange non-urgent appointments where their absence will have a detrimental impact on the school. Reasonable time off for appointments will be paid.

Time off for appointments may be a reasonable adjustment for employees with a disability. For more details see the Staff Wellbeing Toolkit.

There is a statutory right for pregnant employees to take time off to attend ante-natal appointments. For more information please see the Maternity Information Pack.

11 Work-related absence

Where there are indications that the absence from work is, or is likely to be work-related, the line manager or Human Resources will contact the individual to arrange a meeting as soon as possible. The Trust may request a referral to Occupational Health at an early stage to seek advice on supporting the employee to return to work. For more information, please refer to the Staff Wellbeing Toolkit.

Payment for work-related absences will be made in accordance with the employee's contract.

12 Elective procedures

Where an individual makes the decision to undertake an elective procedure, including cosmetic surgery, leave must be requested in advance. If granted, such leave will be unpaid. As a guide, "elective procedures" are defined by the Trust as treatments that are not eligible for NHS funding under the policy of the employee's local Clinical Commissioning Group, or treatment that is not intended to support an employee to facilitate or increase their attendance at work.

13 Assisted conception

The Trust recognises the pressures on employees and their partners when they are experiencing difficulty conceiving and are undergoing treatments to assist conception. It is understood that such difficulties are deeply personal, however staff are encouraged to advise their line manager or Human Resources of their circumstances so that the following can be applied.

In line with normal expectations for medical appointments, where possible appointments should be made during periods of school closure, and where this is not possible at the start or end of the school day. Employees may be required to provide evidence of appointments.

The first five days of absence in any rolling twelve-month period resulting from treatments to assist conception will not count towards absence triggers. Partners of those receiving active treatments may take Personal/Carers leave to accompany their partner to appointments, or care for their partner after treatment. Any further time off, to accompany a partner to treatments, will be unpaid.

An employee undergoing IVF treatment is considered to be pregnant from the point of transfer of an embryo. Where the Trust is aware that an employee has reached this stage of treatment, subsequent appointments, until it is established that the treatment has been unsuccessful, will be managed as antenatal appointments and paid time off granted. A pregnancy risk assessment may also be appropriate at this time. Employees are encouraged to request, in confidence, a risk assessment in advance of this stage of treatment to ensure that any hazards or risks are identified early and mitigations put in place.

14 Sick pay provisions

Employees who report their sickness absence in line with their school's / business unit's procedures can expect to receive sick pay in line with their contractual provisions. Failure to report absence

correctly, or to cooperate with absence management procedures may result in contractual sick pay being suspended or withheld.

Where there is reasonable doubt about the genuine nature of sickness or other absence, this will be investigated under the Trust Discipline and Conduct policy. Fraudulently claiming sick pay, is considered by the Trust as potential gross misconduct.

Contractual sick pay is not payable where staff are absent as a result of sickness or injury sustained through active pursuit of sport as a profession, or where someone has intentionally placed themselves at risk, including but not limited to activities such as parachuting, bungee jumping, coasteering and paragliding. In such circumstances, Statutory Sick Pay may be payable if the qualifying conditions are met. This provision does not apply where self-harm or injury results from a mental health condition. In such instances, individuals will receive their normal sick pay entitlement.

15 Representation

Employees have the right to be accompanied by a workplace colleague or trade union representative at any meeting that may result in a formal warning, including at formal review meetings in the case of long-term absences. No reasonable request to be accompanied by a workplace colleague or trade union representative at informal meetings will be refused.

Where employees request to be accompanied, formal meetings may be delayed by up to 5 working days to enable the chosen representative to attend.

In exceptional circumstances, employees may request to be accompanied by an alternative advocate, such as a mental health worker. The reasonableness of such requests will be considered on an individual basis, on the facts of the case.

16 Short-term absence

The Trust defines short-term absence as any period of absence that lasts for less than four consecutive weeks.

Persistent periods of short-term sickness or other absences are disruptive to the school and place additional burdens on other staff who may be required to cover the work of the absent employee. The Trust will take steps to reduce the duration and number of periods of absence. If an employee is absent frequently, or has an absence in excess of eight calendar days, the short-term absence procedure will be followed.

The short-term absence procedure will be triggered where:

- There have been 3 periods of absence in a rolling 6 month period
- There has been 1 period of absence in excess of 8 calendar days
- The frequency or pattern of absence causes a concern for the school, for example absence consistently falling on a Monday, or the last/first working day of the school term. Patterns of absence will always be explored with an employee to understand any common factors affecting attendance.

Absence triggers will be pro-rated where employees work fewer than 5 days per week.

An overview of the short-term absence process can be found in the flow chart at appendix 1.

Once the short-term absence trigger has been reached, the employee will be asked to attend a Health/Absence Review Meeting, the purpose of which is to explore the reasons for their absence/s and identify any relevant support mechanisms that may facilitate an improvement in the employee's attendance. Consideration will be given to whether protected characteristics are affecting the employee's ability to attend work consistently. Support provided to improve attendance may include training and mentoring, Occupational Health referral, or the consideration of "reasonable adjustments" under the Equality Act 2010.

A first written warning will not normally be issued at a first review meeting.

An informal monitoring period of 12 months will be set following a first Health/Absence Review meeting. If the employee has further periods of absence that reach the trigger point, a formal Health/Absence Review Meeting should be set.

First written warning

In the event that an employee reaches the trigger a second time, or has been unable to reduce the frequency or amount of absence from work, a further Health/Absence Review meeting will take place. Employees will be given at least 7 working days notice of this meeting.

Line managers will need to demonstrate that the employee's health circumstances have been explored, and that, where a disability is, or may be, affecting an employee, reasonable adjustments have been considered. Possible outcomes of this meeting include the issuing of a first written warning, or a further period of informal monitoring. In both cases, a further review period of 12 months will be set.

Final written warning

If an employee fails to improve their attendance, and reaches the trigger point for a third time, a further Health Review meeting will be held.

At this meeting, consideration should be given to issuing a final written warning. For a final written warning to be issued, a line manager must demonstrate that reasonable adjustments have been explored, and reasonable steps have been taken to improve the attendance. This may include consideration of flexible working requests. Line managers should consider whether a referral to the Trust's Occupational Health provider will be appropriate.

After a final written warning, a further review period of 12 months will be set. In the event that an employee reaches the trigger point again during this period, referral to a dismissal hearing may be considered.

If further absences occur shortly after the end of the 12-month period (or any extended warning), we reserve the right to deal with the matter at the same stage of the procedure and not return to earlier stage.

17 Long-term absence

The Trust defines long-term absence as any period of absence that lasts for four or more consecutive calendar weeks.

As soon as it is evident that an absence may become long-term, the line manager will contact the employee, normally by telephone, to discuss the situation and see how they are. A first, informal, health review meeting will be held, normally within the first six weeks of absence. The purpose of this meeting is to explore the reason for absence and consider any support that the Trust can offer to facilitate a return to work. A referral to the Trust's Occupational Health provider will be made if appropriate. A target return to work date will be discussed. Where a return to work is imminent, the Trust may still seek Occupational Health advice to assess any adjustments that may be required to facilitate a safe and sustained return to work.

In the event that the absence continues, interim health review meetings will normally be held every 6-8 weeks. Communication between meetings will be at intervals agreed between the individual and their line manager. These meetings will consider the most recent medical prognosis/information, any adjustments, including reduced hours or a phased return that may support an employee's return to work and whether further medical advice should be sought.

Informal support will continue, unless it becomes apparent that the target return to work date does not seem achievable, where an employee has been unable to return to work within 26 weeks of their first day of absence, or until the employee has exhausted the full pay element of their contractual sick pay.

Should an employee be unable to achieve the target return to work date, as discussed at the informal health review meetings, the employee will be asked to attend a formal review meeting.

Formal reviews

Formal review meetings will normally be held with the employee's line manager. An employee will have the opportunity to be accompanied by a workplace colleague or a trade union representative. Where appropriate reasonable adjustments will be made, which may include the employee being accompanied by an alternative, independent companion, such as a professional advocate or mental health professional.

Outcomes of formal reviews under the long-term absence procedure will hold the same status as warnings given under the short-term absence procedure.

The formal review meeting will consider; whether a new target return date can be agreed, planned return to work, redeployment to suitable alternative employment, referral to Occupational Health or other employment support services such as Access to Work. Employees will be advised that their continuing employment may be at risk if they are unable to make a successful and sustained return to work. If further absences occur shortly after a return from long-term absence, we reserve the right to deal with the matter at the same stage of the procedure and not return to earlier stage.

Where appropriate, further formal review meetings will be held between the line manager and the employee, subject to the medical prognosis and the operational effect of the absence. Further review meetings will consider whether there have been any changes since the last meeting that

would facilitate a return to work, or for opportunities for redeployment. It will also consider the latest medical information, including where appropriate reports from Occupational Health or the employee's medical professional, and whether the latest prognosis indicates a likely return to work in the reasonably foreseeable future.

If at a further formal review meeting it is clear that the employee is unable to return to work in the foreseeable future, and where there is no recommendation for an ill-health retirement, a further Occupational Health referral may be made to establish whether the employee will be able to return in the foreseeable future.

In circumstances where a return to work in the reasonably near future is unlikely, and reasonable adjustments and redeployment options have been explored, the case will be referred to the headteacher for a formal absence hearing. Outcomes of this meeting may include the termination of the employee's employment, with notice, the setting of a further, final review period, or the implementation of other further supportive action, with an agreed timescale. This is only likely where there is a clear, evidenced belief that further action is likely to lead to an improvement that will facilitate a return to work.

In reaching a decision, the headteacher, or equivalent, will consider the latest available medical information, actions taken to date, including any reasonable adjustments that have been considered or tried, redeployment opportunities that have been explored, and be satisfied that due consideration has been given to whether retirement on the grounds of ill health should be, or has been explored.

In normal circumstances termination of employment would not take place until contractual sick pay has expired – however in instances where there is no prospect of a return to work or the employee is permanently unfit to undertake the duties of the post, the Trust reserves the right to move immediately to a hearing to consider the case for dismissal on the grounds of capability due to ill health.

18 Combined Absence Types

Where an employee has a mix of short-term persistent absences and periods of long-term absence, it may be necessary to move between procedures. In such cases, previous review/warning levels may be escalated where further absence triggers are then reached, or target return to work date not achieved. In any case, an employee's absence will initially be managed informally. Escalation of the process will require a first formal review/warning, and a final review/warning before consideration is given to terminating the individual's employment.

1 Ill Health Retirement and Terminal Illness

Where an employee is a member of the Teachers' Pension Scheme, or the Local Government Pension Scheme, and is believed to meet the relevant criteria for Ill Health Retirement, the Trust will take all necessary steps to support an employee to apply for those benefits. The decision to award such benefits remains with the relevant pension scheme.

In some circumstances, where an employee receives a diagnosis of a terminal illness, an employee and their beneficiaries may find advantage from remaining in employment as an active member of their pension scheme. Employees should seek independent financial advice in relation to their

pension and “death in service” benefits. The Trust cannot guarantee to maintain the employment relationship indefinitely, even where the prognosis for the employee is terminal.

The Trust will always take account of individual employee wishes, but cannot guarantee applications for ill health retirements will be successful. Where applications are not successful, the Trust may move immediately to a hearing to consider the case for dismissal on the grounds of capability due to ill health.

In the event that an application for Ill Health Retirement is successful, it is a condition of the award that employment ends.

Employees will be offered pastoral and counselling support as appropriate.

20 Reasonable Adjustments

Employees who have a long-term condition, or a condition that they consider may be a disability should advise their line manager or Human Resources. The Equality Act 2010, defines a disability as “a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities”. Where it is possible that a condition meets this definition, consideration will be given to the nature and duration of any support or adjustments that may be required to help an employee remain in, or return to, work.

An employee does not have to be absent from work to request adjustments.

Any agreed supportive measures will be confirmed in writing, and details recorded on the employee’s personnel file. Further information about reasonable adjustments can be found in the Staff Wellbeing Toolkit document.

21 Other categories of leave

Employees may, at times, require time off work for reasons other than sickness. The provisions for these can be found in the Trust’s Staff Leave of Absence Policy.

Persistent short-term absences for reasons other than sickness may still be reviewed under the Short-Term Absence Procedure where the trigger point is reached.

22 Suspension on medical grounds

The Trust is bound by the Education (Health Standards) Regulations 2003, which set out that staff, including both teaching and support staff functions, have the health and physical capacity to carry out that role. Whilst in most instances, employees are well placed to recognise when they lack the mental or physical capacity to carry out their duties safely and effectively and can identify when they need to take a period of medical leave.

In instances where the headteacher or line manager has concerns that an individual does not have the mental or physical capacity to carry out their role safely and effectively, they will meet with the employee to:

- Give examples of the behaviour, conduct or symptoms apparent in the workplace that are causing concern, and the impact of these in the workplace
- Discuss the individual's thoughts and wishes about their health and wellbeing
- Identify any risks to the individual, children/young people and other staff of the health condition causing concern

No reasonable request to be accompanied at such meeting by a workplace colleague or trade union representative will be refused.

Possible outcomes from this discussion will include:

- Individual risk assessment is completed, recorded and agreed and the employee remains in work
- Agree reduced hours, duties or amended place of work to contain any risks
- Agree a period of medical leave whilst the individual seeks support from their medical professional/s
- Make a referral to the Trust's Occupational Health provider

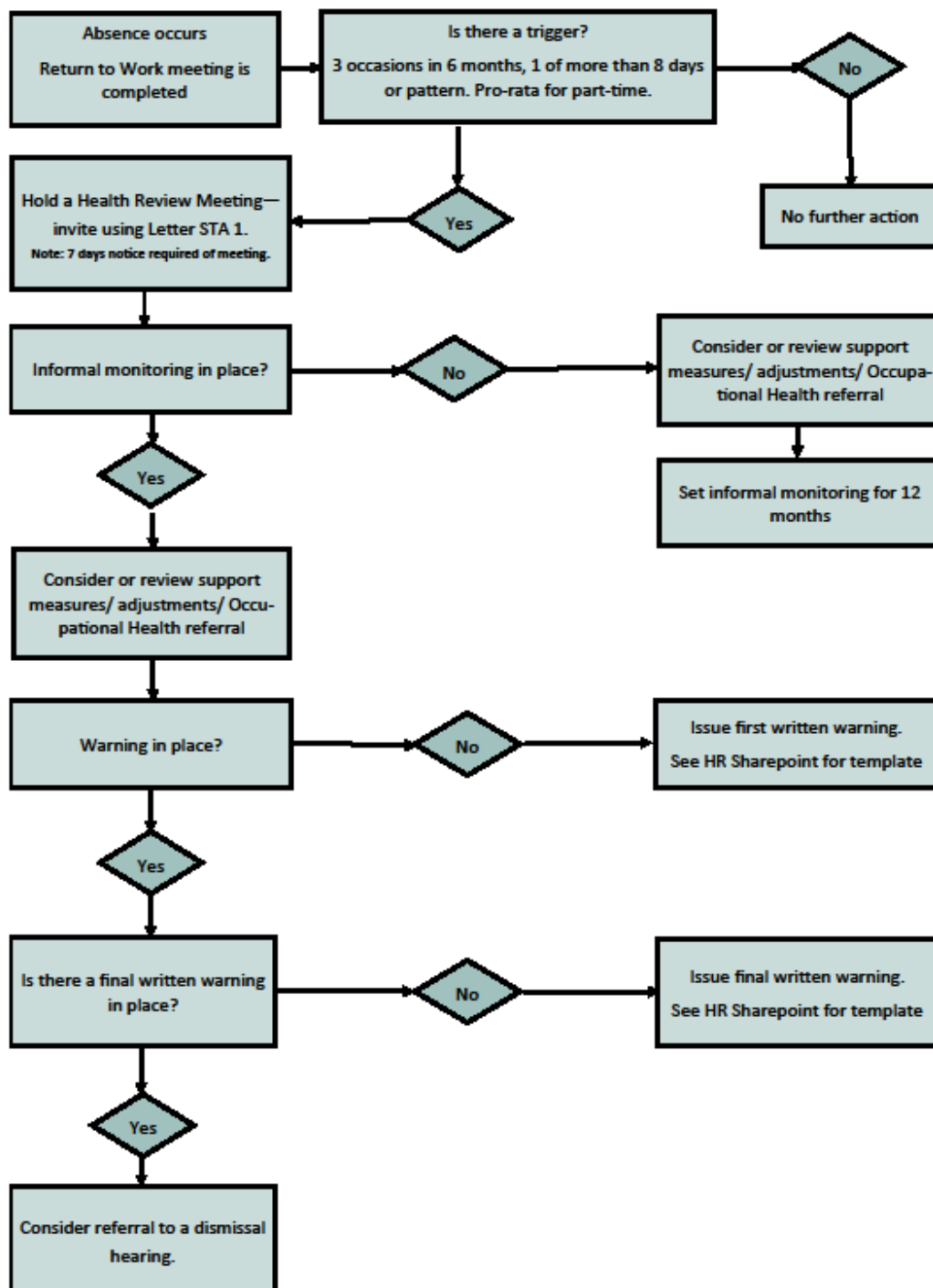
Where it is not possible to agree medical leave or alternative arrangements with the individual, the Trust will consider whether it is appropriate to suspend the employee from duty pending a medical assessment. The purpose of this being to ensure that they have the physical and mental capacity to carry out their role safely and effectively. Any period of suspension will be as short as possible, and will normally include a referral to Occupational Health for their assessment of the employee's capacity to work. The medical suspension will last only as long as it takes to get either, confirmation of the individual's fitness to work, or until any medical certificate/confirmation that the individual is not fit for work is obtained.

An individual who is suspended on medical grounds will receive full pay for the period of suspension, and where an employee is found to be fit for work, this will not count towards their sick pay entitlement. Where an individual is found to be unfit for work, absence will be recorded as sickness absence and paid in line with contractual sick pay provisions.

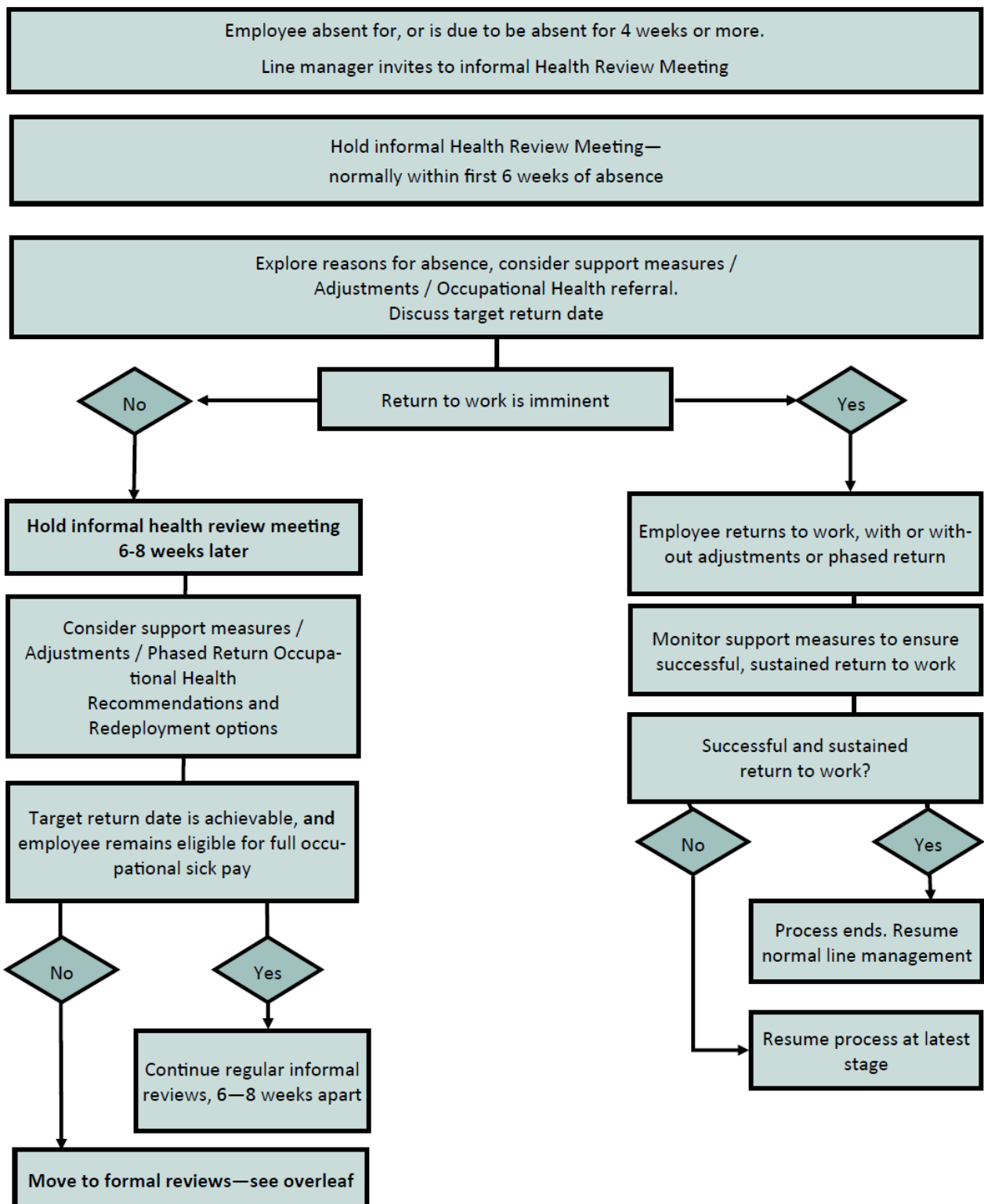
An employee who is suspended from duty on medical grounds, will be provided access to appropriate pastoral support and other support services, and a named point of contact for the period of their suspension.

Appendix 1

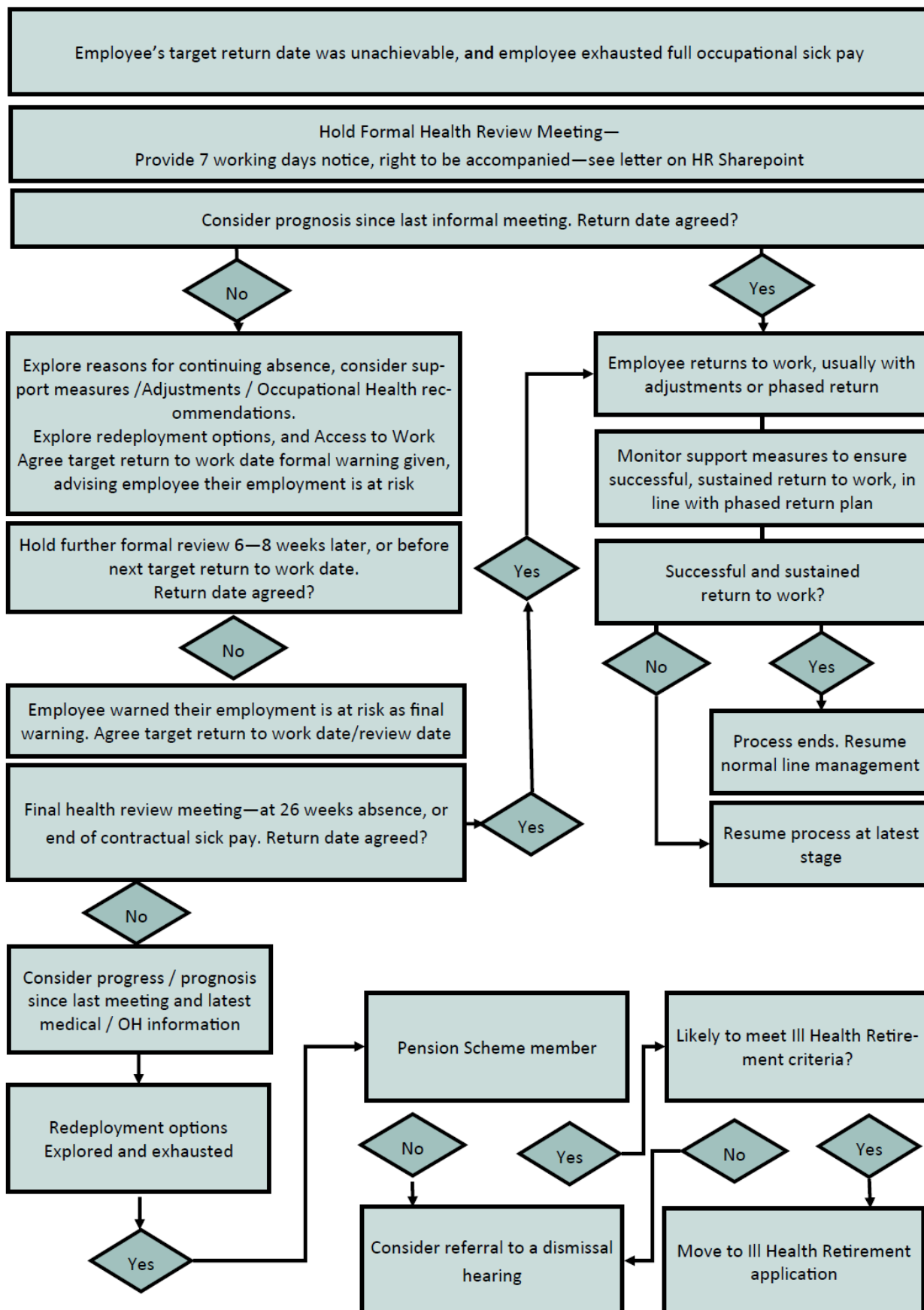
Short Term Absence Procedure



Long Term Absence Procedure - informal stage



Long Term Absence Procedure – formal reviews



Appendix 2: Guidance for Formal Meetings and Appeals

General

The precise procedure to be followed will vary depending on the particular circumstances of each case, but in general the following will apply:

- Formal meetings and appeals should take place at a reasonable time and place usually during the employee's normal working hours and, in the case of employees who work term time only, during the local academy term dates. These arrangements may be varied by mutual agreement
- Consideration should be given to the venue for the meeting. This should be held in a venue that can ensure that the hearing is conducted with discretion and confidentiality maintained. Use of another Trust site, or venue away from the academy may be appropriate in certain circumstances.
- Meetings at an employee's home will only be agreed where such request is made by the employee. Should such meeting be required, the employee may be accompanied by a trade union representative, or workplace colleague. Requests to be accompanied by an alternative support person when visiting an employee's home will not be unreasonably refused. Meetings at an employee's home will normally be attended by two Trust employees. This will normally be the individual's line manager and either another senior manager, or a member of the human resources team. Such arrangements will be discussed and agreed with the individual, noting that the employee is inviting the employer into their home and must be comfortable with those attending.
- At least seven working days' notice will be given of a formal hearing/meeting. The notification will contain sufficient information about the concerns regarding the individual's attendance, and their possible consequences to enable the employee to prepare their response. It will also contain copies of any written evidence, the time and place of the meeting, and will advise the employee of their right to be accompanied by a companion who may be a workplace colleague, a trade union official or a trade union representative who has been accredited/certified by their union as being competent.
- The manager conducting the meeting may wish to be accompanied by an HR advisor, who may ask questions, and provide advice on procedural matters or points of employment law.

Formal Health Review Meeting

The meeting is intended to establish the facts surrounding the attendance concerns. It will be conducted by the Chief Executive Officer, or suitably qualified person appointed by the Chief Executive Officer (for headteacher health review meetings), or a headteacher or line manager (for other employees).

The person conducting the meeting will set out the evidence of the attendance concerns, for example the employee's absence history, any trigger points that have been reached, any informal actions already taken to improve the employee's attendance.

The employee, accompanied by a companion if they wish, is given the opportunity to respond to concerns about their attendance and to make any relevant representations. This may provide new information or a different context to the information/evidence already collected, including any protected characteristics they believe are affecting their attendance.

The person conducting the meeting may conclude that it would be more appropriate to continue to address the concerns informally. The person conducting the meeting may also adjourn the meeting if, for example, they decide that a risk assessment or referral to Occupational Health is needed, or that more time is needed in which to consider any additional information. Otherwise, the person conducting the hearing will give clear guidance on the required level of attendance expected, timetable for improvement, further trigger points and any reasonable adjustments as may be agreed and explain the support that will be available to help the employee improve their attendance;

Notes will be taken of formal meetings and a copy sent to the member of staff. Where a warning is issued, the employee will be informed in writing of the matters covered in the bullet points above and given information about the timing and handling of the review stage and the procedure and time limits for appealing against the warning. Written outcome letters will normally be provided within five working days of the warning being issued.

Where a final warning is issued, the member of staff will be informed in writing that failure to achieve an acceptable level of attendance (within the set timescale), may result in dismissal and given information about the handling of the further monitoring and review period and the procedure and time limits for appealing against the final warning.

Where an employee is dismissed, such dismissal will be made giving contractual or statutory notice, whichever is the greater.

Appeals

If an employee feels that a decision to issue a formal warning, or dismiss them is wrong or unjust, they may appeal in writing against the decision. Appeals must be made within seven working days of receipt of the written decision, setting out the grounds for appeal. Appeals will be heard without unreasonable delay and, where possible, at an agreed time and place. The same arrangements for notification and right to be accompanied by a companion will apply. As with other formal meetings, notes will be taken and a copy provided to the employee.

The appeal will be dealt with impartially, and wherever possible, by managers or representatives of Tenax Schools Trust who have not previously been involved in the case.

The employee will be notified of the outcome of the appeal in writing as soon as possible, but normally within five working days.

The decision made at appeal is final.

The role of the representative

The employee has the right to be accompanied to a hearing or appeal meeting by either a workplace colleague or recognised trade union representative.

The representative may address the hearing to put and sum up the employee's case, respond on behalf of the employee at the hearing and confer with the employee during the hearing. The representative does not have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employer from explaining their case.