

# Procedure

## Managing employee attendance

### 1 Scope

Trust-wide: Applies to all employees.

### 2 Purpose

- To detail procedures to follow when dealing with employees who are unable to provide regular attendance at work due to absence related to sickness.

[Section one](#): Over-riding principles.

[Section two](#): Process to be followed for short term intermittent absences.

There is a separate procedure for [managing long term sickness and ongoing health problems](#).

## Section one: Principles

### 3 Over-riding principles

#### 3.1 Principles and Trust values

We value the contribution all employees make to the achievement of our priorities and service to patients and we miss that contribution when they are not here. Regular attendance is an implied term of everyone's contract of employment and we rely upon each employee to take responsibility for achieving and maintaining this.

The Trust's values of **safe**, **kind**, and **excellent** are integral to this procedure.

##### 3.1.1 Management responsibilities for managing sickness absence

Line managers are responsible for creating an environment in which a low absence record is the norm, and any problems associated with poor attendance are addressed. Any sickness absence will create an additional burden for the service, for colleagues, and will impact upon patient care.

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It is particularly important that concerns about sickness absence are addressed at the earliest opportunity and prompt feedback, in the form of return to work discussions, are a part of this.

Managers are also responsible for ensuring that their employees are aware of the range of support that is available to them in the Trust, including [Care First](#) (the confidential employee telephone helpline).

### 4 Sick pay entitlement

Employees are entitled to sick pay under the NHS Terms and Conditions of service sick pay scheme entitlements as stated below:

Period of continuous service on first day of absence*	Full pay	Half pay
During first year of service	One month	Two months
During second year of service	Two months	Two months
During third year of service	Four months	Four months
During fourth and fifth years of service	Five months	Five months
After completing five years of service	Six months	Six months

Entitlement to sick pay is strictly subject to the employee's own inability to attend work due to sickness. Sick pay must not cover sickness of a relative or children nor must it be used for childcare etc.

### 5 Return to work discussions

On return from any sickness absence (including preplanned) the employee and line manager must arrange, within the first week, a return to work discussion using the proforma ([media ID 24723](#)). This will allow them to review the reason for the absence to ensure fitness to return to work and any necessary support. It also allows the manager to raise any concern about repeated absence episodes when this is necessary. The line manager needs to ensure that healthroster is updated and the reason for absence is recorded.

There may be occasions when consideration should be given to other Trust policies and support services:

- [managing long term sickness and ongoing health problems procedure](#)
- [supporting critical illness policy](#)
- [alcohol and substance misuse policy](#)
- [dignity at work procedure](#)
- referral to occupational health using a [management referral form](#)
- the Trust's counselling service, [Care first](#), 0800 174319.
- [domestic abuse – support for staff policy](#)

## **6 Triggers for starting the sickness absence monitoring and review process**

Managers must monitor and review cases where short-term absence becomes frequent resulting in more than six days/ 45 hours lost from work in a rolling six month period.

For part time employees this will be calculated pro rata; ie multiply 1.2 by the number of contracted weekly hours to calculate trigger hours lost from work eg 1.2 x 22 hours per week = 29 hours.

These indicative trigger levels will aid consistency and fairness.

Managers should always ensure they establish the reasons for absence to ensure the employee is appropriately supported.

## **7 Frequent short-term absences**

The Trust is concerned about regular intermittent absences, eg:

- spasmodic – where the absence is persistently a few days per month, or a week every few months
- patterned – where the absence precedes or follows:
  - days off
  - holidays
  - bank holidays
  - weekends
  - periods of night duty

## **8 Reporting, recording and monitoring sickness absence**

### **8.1 Employees**

On the first day of absence from work, employees must report their sickness absence in line with their department/ ward local procedures. This may involve reporting continued absence on a daily basis.

Employees must complete and submit a [self-certification form](#) for every episode of sickness absence of between one and seven consecutive calendar days. This will be discussed in the return to work meeting.

### **8.2 Management responsibility for recording and monitoring**

Managers are responsible for the maintenance of accurate, reliable records, and managing sickness absence for each employee.

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- Absence dates and reasons for absence must be entered onto healthroster ensuring the correct sickness hours are recorded.
- If absence is due to an accident involving a third party which may result in an insurance claim, an email outlining the details must be sent to the payroll department.
- If absence of more than three days is due to an incident or accident at work, a Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) form must be completed and submitted to the risk department.
- If the sickness absence is related to a disability this should be recorded on the [return to work form](#).
- The [self-certification form](#), together with the [return to work form](#), should be placed in the employee's personal file.

### 8.3 Corporate recording and monitoring

The workforce information department will provide regular reports for managers detailing employees' absence.

## 9 Absence resulting from infection outbreak or industrial injury

### 9.1 Infection outbreak

If sickness is as a result of an infection outbreak, eg Norovirus outbreak, as declared by the infection control team, it should be reported using a Trust incident form in addition to being recorded on the [self-certification form](#), healthroster and the [return to work form](#). When considering trigger levels the manager should give consideration to absences that arose because employees were instructed not to attend work due to an infection risk.

### 9.2 Vomiting and diarrhoea

Please note, if staff have vomiting and diarrhoea they must not return to work until they are symptom free for 48 hours.

### 9.3 Industrial injury

Where an employee's absence is attributable to an injury at work this should be recorded on the [self-certification form](#) and the [return to work form](#).

If the employee is off work for three or more days as a result of the work injury/ incident, this must be recorded on an incident form and forwarded to the risk department in order for the Trust to comply with RIDDOR.

### 9.4 Injury allowance

1. The function of the injury allowance is to recompense employees who have temporarily lost income due to an injury or illness as a result of work.
2. Where an individual's absence is attributable to an injury in the workplace, an incident form should be completed and submitted immediately. The [self certification form](#) and the [return to work form](#) must reflect the fact that the absence due to injury is work-related.
3. When an employee's sick pay reduces to half pay, injury allowance may be payable, enabling them to receive up to 85% of full pay. This is payable from the manager's budget. This will automatically be arranged by payroll provided that payroll received the necessary information at the time of the incident.
4. The allowance is limited to the period of the employment contract only and restricted to a period of up to 12 months per episode.
5. For further information on NHS injury allowance, see <http://www.nhsbsa.nhs.uk/injury>.

## 10 Employees with a disability

If the employee or manager considers a disability may be a contributing factor then advice can be sought from occupational health via the employee relations (ER) team.

## 11 Stress risk assessments

Where it is considered that work or home conditions may be contributing to the sickness absence, managers must give consideration to undertaking an individual stress risk assessment and to respond with improvements to working conditions if the risk assessment confirms sources of stress.

Managers should also provide information about wellbeing resources in the Trust that are designed to enable employees to reduce their stress/ anxiety. Information is available on Connect.

## 12 Considering alternative employment

Where instigated, the search for alternative employment can run concurrently with the monitoring period and/or during the notice period up to and including the last day of service when the employment is terminated.

### **13 Consultation/advice from occupational health**

Occupational health advice will be sought via the ER team to:

- help identify the nature of an employee's illness and prognosis
- advise the employee and line manager on the best way to improve the employee's health and wellbeing and be supported at work

### **14 Right of representation/ support at meetings**

At all stages of the formal procedure an employee has a right to be accompanied by a work colleague or represented by a trade union representative.

If an employee has a disability or language barrier and this is known to the manager, the Trust will aim to provide appropriate additional support at meetings where possible.

### **15 Employee relations (ER) representation**

An appropriate ER representative will always be present at the second stage of the process and must always be present at the final hearing, and this person must not have been involved at any of the previous stages.

### **16 Reference requests**

The Trust requires information from referees about sickness information for our prospective employees therefore we must ensure that we provide accurate information to other employers requesting this information.

If a reference request asks for information regarding any warnings about sickness absence, the manager must not include any details if the employee has made the required improvements within the informal/ formal stages of the process. The manager must seek advice from the divisional/ directorate ER representative if in doubt. However, if the reference requests information regarding sickness dates these should be provided and must be accurate.

## Section two: Process

### 17 The process for managing frequent short term absences

If an employee's sickness absence episodes becomes frequent enough to trigger review (see [section 7](#)) the process must be followed (unless there are mitigating circumstances).

To help support employees reduce sickness absence and sustain good attendance, the process consists of:

- informal meeting
- first formal stage
- second formal stage
- hearing to consider future employment position on the grounds of capability

The aim of the staged process is to provide monitoring periods with support to enable the employee to improve their level of attendance.

#### 17.1 Monitoring improvement

Employees will be given a period of time to achieve a marked and sustained improvement of four to eight weeks for employees. In exceptional circumstances this may be extended to a maximum of 12 weeks, and the following considerations should be given:

- the nature of the absence and number of occurrences
- whether the absence is classed as a disability
- previous good/ exemplary record of attendance
- the length of shifts/ hours worked
- the nature of the job

The outcome of each stage of the process will remain on file for a period of 12 months. Any re-occurrence within this 12 month period may result in progression to the next stage of the process.

## 18 Informal stage meetings

18.1 This is when the line manager and employee must meet to specifically explore absence concerns.

It is important that the manager prepares adequately to ensure that the correct facts are available to present to the employee including dates and reasons for absence (as detailed on the return to work discussion proformas).

Employees will be given an opportunity to share concerns, make representations and discuss/ or request further support.

An action plan will be agreed and a monitoring period should be set. All meetings must be documented including the agreed action plans via a letter. A copy of the letter will be kept on file and given to the employee.

The manager will ensure there is an opportunity for regular feedback during the monitoring period.

In some circumstances advice from occupational health may be sought after advice from the ER team.

It may also be necessary to provide variation to working arrangements to ensure the employee is given every opportunity to improve. This may include a temporary alteration to long shifts or reducing/ ceasing bank work where this may be contributing to the ill health.

### 18.1 Informal outcome

The manager will meet with the employee at the end of the monitoring period to discuss progress.

There will be two possible outcomes at the end of the monitoring period:

**i. The desired attendance has been achieved and sustained**

No further action is required, the manager should acknowledge the improvement and reiterate the value of the employee to the team. The employee should be advised that failure to maintain this improvement in the next 12 months will lead to re-entering the process at the formal stage. Written confirmation must be sent to the employee within five working days and a copy kept on file.

**or**

**ii. No marked improvement in attendance**

The employee must be given an opportunity to discuss her/his attendance and any mitigating circumstances preventing achievement.

Following consideration of the facts the options available to the manager are:

- inform the employee that it is necessary to move to the first formal stage of the procedure; **or**
- in exceptional circumstances, the manager may decide to extend the review period within the informal stage where it is considered the employee has made every effort to improve and there is mitigation that prevented improvement.

The outcome of the review meeting must be confirmed in writing within five working days of the meeting.

## 19 Formal stages

### 19.1 First formal stage

This may have been reached in one of the following ways :

- employee has been unable to meet the required attendance level within the set monitoring period; **or**
- the employee's attendance has deteriorated since the previous review; **or**
- An employee, previously in the informal or first formal stage, whose attendance has deteriorated and their improved attendance level has not been sustained during the 12 month period.

The employee must receive a written invitation to the meeting giving five working days' notice and provide sufficient detail regarding the attendance gap to enable the employee to prepare and consider representation. Management can request an ER representative to be present. If this is the case this will be stated in the letter. The letter should provide five working days notice of the meeting.

### 19.2 Occupational health referral

If the employee or manager considers that there is an underlying medical reason for absence, or that disability may be a contributing factor, then a referral to occupational health should be considered. Any such referral and appointment will run concurrently with the monitoring period.

The employee will be given the time to improve as outlined above.

### 19.3 Alternative employment

Ordinarily this would not be considered at this stage but if deemed appropriate refer to [appendix 3](#).

### 19.4 Review meeting

#### Purpose

The manager and the employee will review:

- the attendance over the monitoring period
- the impact of any changes to working practices
- occupational health and any other support

There will be one of two possible outcomes at the end of the monitoring period:

#### i. Improvements achieved

If the desired outcome has been achieved the manager should acknowledge the improvement and reiterate the value of the employee to the team. In these circumstances there will be no further action subject to the improvement being sustained for a period of 12 months. The manager must ensure that there is ongoing opportunity for regular feedback.

The employee must be advised that in the event of a deterioration of attendance within the following 12 months, it will be necessary to move onto the second formal stage of the procedure.

The employee will receive a letter within five working days of the meeting confirming the outcome.

or

#### ii. No marked or sustained improvement in attendance

The planning and content of the meeting should follow the guidance provided in [appendix 2](#). The employee will be given an opportunity to provide his/ her view about attendance and any mitigating circumstances preventing achievement of objectives set.

There will also be an opportunity to discuss further support and any reasonable adjustments.

Following consideration of the facts the options available to the manager at this stage are:

- where there is mitigation that has prevented improvement, consider extending the review period within the first formal stage where the manager considers the employee has made every effort to try to improve
- inform the employee that it is necessary to move on to the second formal stage

The outcome letter must confirm the agreed action and be sent within five working days of the meeting.

## 20 Second formal stage

20.1 The second formal stage may have been reached in one of the following ways:

- employee has been unable to meet the required attendance level within the set monitoring period; **or**
- the employee's attendance has deteriorated since the previous review **or**
- an employee, previously in the informal or first formal stage, whose attendance has deteriorated and their improved attendance level has not been sustained during the 12 month period **or**
- has not improved during the extended review period

The employee must receive a written invitation to the meeting giving five working days' notice and provide sufficient detail regarding the attendance gap to enable the employee to prepare and consider representation. Management can also have an ER representative to attend this meeting.

### 20.1 Occupational health referral

It is important that a referral to occupational health is actioned at this stage, if not already done so, to ensure that the employee is given every support to reach the level of attendance required, or any underlying medical reason is investigated. Any such referral and appointment will run concurrently with the monitoring period.

### 20.2 Review meeting

#### 20.2.1 Purpose

The manager and the employee will review:

- the attendance over the monitoring period
- the impact of any changes to working practices
- occupational health advice and any other support

The manager must seek advice from the divisional/ directorate ER team before progressing to further stages.

### 20.3 Second formal stage outcomes

#### 20.3.1 Improvements achieved

If the desired outcome has been achieved the manager should acknowledge the improvement and reiterate the value of the employee to the team. There will be no further action subject to the improvement being sustained for a period of twelve months. The manager must ensure that there is an opportunity for regular feedback during this period.

The employee must be advised that in the event of a deterioration of attendance within the following 12 months that it will be necessary to move to the final stage of the procedure.

#### 20.3.2 No marked or sustained improvement in attendance

The manager should have ensured that the employee is aware of any continuing concerns during review period as outlined above; there should be 'no surprises' at the formal review meeting.

At this stage a search for alternative employment should be considered (see [appendix 3](#)). Where alternative employment is found this should be given on a trial basis of four weeks.

At this meeting the employee must be informed that if there is no marked and sustained improvement during the next review period, which will be as outlined above, that one possible outcome of this review stage could be a referral to a hearing. This could result in the termination of employment due to the employee's inability to achieve the required attendance level.

#### Options

At this stage the manager will have further information to consider prior to the meeting:

- the outcome of the occupational health referral
- the outcome of any search for suitable alternative employment

The employee will be given an opportunity to provide her/his view about attendance and any mitigating circumstances preventing achievement of the required attendance level.

The options available to the manager at this stage are as follows:

1. Where there are mitigating circumstances that prevented improvement, consideration should be given to extending the review period within the second formal stage.
2. Consider any other matter that might impact upon the employee's case prior to referral to the next stage.

3. Referral to the final stage of the procedure as the employee has been unable to reach the required level of attendance, and it has not been possible to find suitable alternative employment, or such a search was not commenced due to the circumstances.
4. It may be possible to continue with the search for suitable alternative employment pending the date of the next meeting.

## 21 Hearing to consider future employment situation

If the employee has been unable to improve attendance during the stated process the employee's case will be referred to the appropriate associate director (AD) or equivalent for consideration of the case. This may result in the possible termination of employment due to capability on the grounds of the employee's inability to achieve the required attendance level.

The AD equivalent will write to the employee to provide details of the hearing and the structure of the meeting giving a **minimum ten working days'** notice.

### 21.1 The hearing

The following format will be followed:

- The manager involved at the previous stage will be asked to detail the process followed. This may include providing any relevant documentation.
- The employee will have an opportunity to put forward his/her case and call witnesses and/or provide written evidence.
- The employee will have the right of representation by a trades union representative or a work colleague.
- An ER manager, not previously involved in the employee's case, will assist.

Following presentation of the case and the employee's representation, there will be an adjournment to decide on the appropriate course of action.

Possible outcomes:

- In exceptional circumstances a further final review period.
- Request for further information by the presiding manager hearing the case.
- Further consideration of the redeployment process.
- Further referral to occupational health.

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- Dismissal on the grounds of capability due to inability to provide regular attendance where it is considered the procedure has been followed.

The employee will be advised of the outcome of the hearing after an adjournment. In some cases the presiding manager may require further time to consider and therefore it is not possible to provide the decision immediately after the hearing. In these cases the employee should be given the choice of being informed of the decision:

- by returning at a later date to a meeting
- by telephone
- by letter

The final outcome will be confirmed in writing within five working days of reaching the decision.

## 22 Right of review during the formal process

Employees may request a review with the next level of management, within seven working days of receipt of the letter confirming the outcome of a meeting. The employee should put her/ his reasons for raising the request for a review in writing, using the [right of review form](#). The employee's trades union representative or ER team can provide additional assistance.

A meeting will be convened with the senior manager and the employee to hear the review. The employee may be accompanied by a trades union representative or a colleague. An ER representative will also be present.

## 23 Appeal against dismissal

All employees will have a right of appeal to a committee of the Trust's directors if they are dismissed under this procedure. To exercise this right a letter outlining the reasons for the appeal should be sent to the medico legal team, box 53. This should be received within 21 days of receipt of the letter confirming dismissal.

## 22 Monitoring compliance with and the effectiveness of the procedure

The workforce directorate and the workforce information department will monitor the effectiveness of the procedure in conjunction with management and staff side on an ongoing basis. To assist with this, workforce information will provide regular sickness absence reports for managers which will detail for each employee the total number of days absent in a rolling year and the number of occasions.

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## 24 Associated documents

- [alcohol and substance misuse policy](#)
- [dignity at work procedure](#)
- [domestic abuse – support for staff policy](#)
- [managing employee performance \(MEP\) procedure](#)
- [managing long term sickness and ongoing health problems procedure](#)
- [probationary contracts guidance for managers](#)
- [supporting critical illness policy](#)
- [return to work form](#)
- [right of review form](#)
- [self-certification form](#)

### Equality and diversity statement

The Cambridge University Hospitals NHS Foundation Trust is committed to a policy of equal opportunities in employment. The purpose of this policy is to ensure that no job applicant or employee receives less favourable treatment because of their race, colour, nationality, ethnic or national origin, or on the grounds of their age, gender, gender reassignment, marital status, domestic circumstances, disability, HIV status, sexual orientation, religion, belief, political affiliation or trade union membership, social or employment status or is disadvantaged by conditions or requirements which are not justified by the job to be done. This policy concerns all aspects of employment for existing staff and potential employees.

### Disclaimer

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### Document management

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## Appendix 1:

### Possible reasons for short term/ intermittent absence

An employee may experience attendance problems due to genuine health reasons and should expect to be treated with kindness and compassion. It should not be assumed that concerns regarding absence due to short term/ intermittent health related absence are due to the employee's lack of motivation or interest. There could also be other mitigating factors as outlined below. The manager should consider these ahead of embarking upon the staged process.

- Was there a poor pattern of attendance highlighted by referees?
- Inadequate or insufficient induction and training whereby the employee is unaware of the attendance levels required.
- Failing to undertake return to work discussions and not raising concerns at the earliest opportunity.
- Allowing poor attendance to become the norm within the department/ ward/ team.

Where there are problems in the work place that contribute to ill health and poor attendance, such as:

- Lack of understanding on the employee's part about the job duties, priorities or goals due to poor explanation or feedback.
- Poor systems of work, out-of-date policies or inadequate tools and equipment that do not work properly or frequently break down.
- Poor quality or inadequate supervision and/or support.
- Unclear instructions.
- Work overload, causing stress and fatigue.
- Unrealistic targets or deadlines that are virtually impossible for the employee to achieve.
- Poor working relationships causing the employee worry, upset or stress.
- Bullying or harassment impacting upon the employee's dignity and wellbeing.
- Physical or mental ill health, for example where the employee's state of health, or medication taken to deal with it, is causing tiredness/ erratic performance.
- Personal problems that would inevitably affect the employee's concentration, such as relationships at work or at home.

## Appendix 2: Preparing for managing attendance meetings – management guidance

### Planning the discussion

The manager should:

- Consider potential reasons for the attendance gap to ensure you have fully considered alternatives before embarking upon the process ([appendix 1](#)).
- Ensure the discussion regarding absence due to short term sickness is held without undue delay.
- Be clear as to the nature of the attendance gap ensuring the manager has the exact details of the sickness absence dates, reasons, frequency and days lost.
- Refer to previous return to work discussion forms
- Consider if there are any disability or ongoing health issues that could impact upon future attendance record.

### The meeting

To provide structure to the discussion the manager should adopt the 'WASP' approach:

- Welcome,
- Acquire,
- Supply,
- Part.

#### Welcome:

Consider the approach at the start of the meeting, and ensure the employee is aware of the right of representation. Remember the employee will be nervous about the meeting.

#### Acquire:

- Provide an opportunity for the employee to give views about his/ her absence. Where an employee is struggling to reach an acceptable level of attendance it is kinder to allow an opportunity to outline her/ his own concerns, reasons and ideas how improvements could be achieved. Some employees may not recall the number of days absence and the impact upon the service, colleagues etc.
- Consider whether there may be any circumstances where an employee feels unable to discuss a sensitive medical condition with a manager of the opposite sex. This may be associated to a cultural background. Where a manager senses this to be relevant, he/ she should contact the appropriate OD manager.

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### Supply:

Provide information to the employee about the absence and the impact upon the service. Describe how management will take steps to assist the employee to improve the level of attendance. Consider working arrangements, occupational health referral etc.

The manager must:

- Stick to facts and avoid expressing personal opinions.
- Be specific: avoid vague, woolly statements; give exact dates and occurrences of sickness absences as appropriate.
- Ask open questions.
- Listen actively to what the employee has to say and take it on board.
- Ensure that the tone used is friendly and not accusatory.
- Use positive words such as 'improvement' and 'achievement', rather than negative words such as 'failure' or 'weakness.'
- Focus the discussion on future improvement rather than on past attendance record giving a clear guide to what is expected and the timescale.
- Always check for understanding, for example by asking the employee to state or summarise his or her understanding of what has been discussed.

### Concluding the meeting

#### Part

- Consider the support that can be provided to the employee including occupational health advice/ support.
- Consider any mitigating factors put forward. This may include problems in the employee's personal life, relationship difficulties at work etc.
- Be clear about the improvements required and timescales for improvement.
- Arrange any additional guidance/ training where appropriate.
- Set the timescale for a marked and sustained improvement to be achieved, using the example time periods (see Section one: [timescales for monitoring improvement](#)). The objectives set within the timeframe should be attainable and realistic in the time period allowed.
- Schedule a review meeting and make a diary note when you should write to the employee five days before the meeting.
- Ensure the employee has an opportunity for regular feedback during the monitoring period.
- Confirm the outcome of the meeting in writing within five working days to ensure absolute clarity.
- Ensure any managerial actions agreed at the meeting are acted upon in a timely manner.
- Write to the employee ahead of the scheduled review meeting to provide a summary of the progress made and where concerns remain to provide details of these.

## Appendix 3: Search for alternative employment

If a search for suitable alternative employment has not previously been considered, the process for redeployment must be instigated with support from an ER adviser.

Where instigated the search for alternative employment can run concurrently with the monitoring period and/or during the notice period up to and including the last day of service when the employment is terminated.

There may be occasions when it is recognised early on in the process that an employee's job role or work pattern may be contributing to their ill health and inability to sustain a satisfactory level of attendance. In these cases and with the agreement of the employee a search for alternative employment can commence at any stage. However, where such alternative employment cannot be found, this will not prejudice the employee from continuing through the full process provided in this document.

The Trust cannot guarantee alternative employment and if alternative employment is found, there is no legal obligation to offer a post on the same pay band or same terms and conditions. However the Trust is committed to exploring redeployment opportunities where possible.

Alternative employment should always be considered as an alternative to dismissal. This is particularly the case where the employee may be able to provide a reliable service in a different job role and where occupational health have advised this is a possibility.