

# Tough Decisions Checklist

As we have said unfortunately, and despite all your best efforts, and those of the employee, things may not be working out. But before you make any decisions it's worth answering these questions.

## Have you talked with your employee about the reason for their sickness absence and poor performance?

If not suggest a meeting between yourself and the employee following the guidance given in [It's Good to Talk](#) to attempt to identify and resolve issues.

## Once you have identified the issues have you asked for help from a doctor or Occupational Health?

It is essential that the employee be involved here and consents. Follow the advice and guidance given in [Seeking Medical Advice](#) design.

## Have you implemented reasonable adjustments quickly?

Dragging your heels over reasonable adjustments could be seen in disability discrimination law as “less favourable treatment” by you the employer. On a practical note, failing to act quickly could cause a loss of motivation which could reduce performance. See [Possible Solutions](#) for advice and guidance on simple solutions you could implement which could make all the difference!

## Have the agreed reasonable adjustments lowered sickness absence and improved performance?

If not it is a good idea to repeat the whole process in order to identify any further adjustments or refinements to the adjustments. See [Possible Solutions](#) for any you may have missed first time round which might be effective.

## Once you have repeated the whole process ask yourself the same question - have the sickness absence levels gone down and performance levels gone up?

If not it is a good idea to seek a further review of these adjustments with the employee and outline how the agreed expectations are not being met, try to understand from their perspective why they think things aren't improving and agree actions going forward.

## Once this further review has been completed have you worked out a timetable for monitoring how effective the adjustments are?

If there is still no improvement in sickness absence and performance levels after a reasonable period of time, you could discuss with your HR about possibly beginning capability / disciplinary proceedings.

## Have you completed the capability / disciplinary process?

Make sure you have made all reasonable adjustments to enable the employee to best represent themselves throughout the process, such as allowing the employee to attend the hearing with a friend, colleague or Trade Union representative. Adjustments to the disciplinary process may be vital for employees with mental health issues.

## Are you now going to terminate the contract of employment?

If you have taken all the steps outlined above, made all reasonable adjustments possible, included the employee in all consultations, agreed expectations, then it is possible to discuss terminating the contract with HR, but only if you have met all the agreed expectations and the employee has failed to do so.