
STATUTORY INSTRUMENTS

2003 No. 3139

The Education (Health Standards) (England) Regulations 2003

Health standards – procedures

7.—(1) If it appears to an employer that a person may no longer have the health or physical capacity to carry out a relevant activity, the employer—

- (a) must afford the person an opportunity to submit medical evidence and make representations to him;
- (b) must consider such evidence and representations and any other medical evidence available to him, including such evidence which has been furnished in confidence on the ground that it would not be in the best interests of the person concerned to see it; and
- (c) may require the person, or at his request must arrange for him, to submit himself for examination by a qualified medical practitioner appointed by the employer and, if the person fails to submit himself for such examination without good reason or refuses to make available medical evidence or information sought by the medical practitioner, the employer may reach a conclusion in the matter, including a conclusion that the person no longer has the health or physical capacity to carry out that relevant activity, on such evidence and information as is available to him, notwithstanding that further medical evidence may be desirable.

(2) At any time before such medical examination as is referred to in paragraph (1)(c) is undertaken, the employer or the person himself may submit to the appointed medical practitioner a statement containing evidence or other matter relevant to the examination: and the examination may be attended by a qualified medical practitioner appointed by the person being examined.