

# A Useful Guide to Managing Sickness Absence



Janice Lawrence

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# A Useful Guide to Managing Sickness Absence

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Written by Janice Lawrence

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## Why should I read this Useful Guide?

This Useful Guide is aimed at busy line managers who are looking for some practical guidance on how to manage the sickness absence of their staff.

It has been written so that you can choose to read the whole Useful Guide or go straight to a section of particular relevance to you.

It has ...

- Advice and tips on how to manage sickness absence.
- Checklists and other documents you may find helpful to use for your management of sickness absence, either as they are or adapted to meet your particular needs.
- Exercises you can complete if you wish to check your understanding of this subject area.

The information provided in this Useful Guide is based on good practice and for general guidance only. It does not constitute nor is it a substitute for legal advice. If you need advice about a particular legal issue, you should consult a member of the legal profession.

If you would like to do the exercises and case study on your computer you can download the MS Word toolkit from [here](#).

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## Chapter 1 - Introduction

If you are a line manager, there is a high likelihood that at some time a member of your team will take sickness absence. You may even be faced with high levels of sickness absence within your team. Whatever your situation, you will need to manage the absence. It is important that this is done in a way that is supportive to the employee, fair to the rest of the workforce and which results in the best possible outcome for your department's and organisation's performance.

If your organisation has its own policy and procedure for managing sickness, you should familiarise yourself with the key parts of it. This Useful Guide will attempt to help you to think about the practical aspects of dealing with sickness absence and provide some guidance and suggestions for action you could take ...

- **Chapter Two** – looks at the importance of good communication in the effective management of sickness absence
- **Chapters Three to Seven** - take you through the main stages of managing sickness absence
- **Chapters Eight and Nine** - look at particular considerations to take into account when managing short- or long-term absence
- **Chapter Ten** – looks at what to do if an employee is not able to return to his/her existing job
- **Chapter Eleven** – explains the importance of keeping good sickness absence records
- **Chapter Twelve** – considers the use of an expert occupational health service
- **Chapters Thirteen** – looks at disability considerations in the management of absence.

Dealing with sickness absence is a management activity like any other. It may be one, however, that we would prefer to avoid. There are a number of reasons for this, among them are ...

- it involves conversations with individuals about their medical conditions, which may be sensitive and/or embarrassing to discuss
- we may be concerned that we will be accused of treating the employee unfairly and/or of harassing him/her and this could mean damaging our working relationship with the employee
- there are risks that we may inadvertently fail to meet the legislation requirements.

This Useful Guide will attempt to help remove any concerns you may have by giving you information on how to manage sickness absence cases effectively.

If you would like to do the exercises and case study on your computer you can download the MS Word toolkit from [here](#).

To help understand why it is important to deal with sickness absence, it can be useful to look at the subject from the point of view of a cost: benefit analysis.

Take a few minutes to complete the table below, listing what you think are the benefits and costs of managing sickness absence. There are some suggestions in [Appendix A](#) but rather than look at these right away, you may prefer to return to your table as you read through this Useful Guide and add to your thoughts as you go.

Benefits	Costs

## Chapter Two – A key factor in the effective management of sickness absence: Good communication

A key success factor in managing sickness absence is good communication. It is important to discuss the situation with the employee all the way through the process. Only in this way can we understand the nature of the illness and its impacts on job performance and work attendance, arrive at effective actions and show the employee that we are interested in his/her welfare.

You should approach these conversations in a positive and supportive way. You want an outcome that will minimise any negative impacts of the sickness on the employee's job performance, e.g. difficulties in carrying out certain work tasks, poor timekeeping etc. To achieve this, you need to have open discussions with the employee and encourage him/her to work with you to find solutions. This is unlikely to happen if the employee feels that he/she is being treated in a negative way.

There are a number of stages in the sickness absence management process, each involves having conversations with the employee. The number of these stages you will need to go through and number of conversations during each will vary from case to case. If your organisation has a policy and procedure, this is likely to lay out the stages that should be gone through.

The most common stages are ...

- **notification** of the sickness absence by the employee
- **contact** with the employee during the period of absence
- a **conversation** with the employee on his/her return to work
- **checking** on how the employee is doing once back at work.

We will look at each in turn in the following chapters.



## Chapter Three – Notification of sickness absence

The first conversation you will have with your employee about his/her sickness absence is when you find out that he/she is off work because of illness.

### The notification requirements

Your organisation's sickness absence policy, if there is one, will probably require an employee who is not able to come into work due to sickness to telephone the line manager at the start of the work period to let him/her know. The policy may state ...

- the time by which this communication should be made, eg within half an hour of the normal start time;
- how the contact should be made, eg by telephone; and
- who should be notified and what to do if that person/those persons cannot be contacted, e.g. leave a voicemail message.

It is important that your employees know what the contact requirements are or they may fail to notify you or be late in doing so.

**Tip:** Give your employees a sheet which sets out briefly what their responsibilities are if they become ill, e.g. when they should contact you, complete a self-certificate etc. Then they can take this home and have it to hand if they need it.

If your employee does not contact you by the time required, then it is fine for you to try to contact him/her to find out why he/she is not at work. This shows concern for your staff and, as the employee's line manager, you need to know why he/she is not at work, so that you can take appropriate action, e.g. engage temporary cover if necessary.

### Notification conversation

When your employee contacts you to inform you that he/she is unwell and will not be coming into work, then ...

- **be sympathetic** and say you are sorry to hear that he/she is not well and hope he/she will be feeling better soon.
- **ask the employee what the nature of the illness is.** You do not need to know all of the details. Your aim is get sufficient information to understand what the impacts may be on the employee's performance and attendance at work and identify whether any patterns of sickness are developing.

- **ask the employee when he/she is likely to return to work.** You will then be able to plan for the employee's work duties to be covered and for the employee's return to work as necessary.
- **remind the employee of any requirements for him/her to contact you again** during the absence period, provide a self-certificate and/or doctor's fit note (more on doctor's fit notes in [Chapter Six](#)) etc.
- end the conversation **by wishing him/her well again.**
- make a record of the main points of the conversation. This will ...
  - give you the information you will need to maintain a record of the employee's absence
  - monitor the current absence
  - review progress against any actions agreed
  - identify any patterns of absence that are developing and
  - provide evidence on how the absence has been managed should it be needed, e.g. by another manager or at an employment tribunal.

A checklist covering the main points of a sickness absence notification conversation, which you can use as it is or adapt, is given in [Appendix B](#).

## Chapter Four – Contact during sickness absence

Once your employee has notified you that he/she will be absent from work because of sickness, your next contact with him/her will be either ...

- **during the period of sickness absence.** (Your organisation's policy will probably state when the next contact should be made if the employee has not already returned to work, eg on the third day of absence); or
- **on the return to work** (if the period of absence is very short).

We will look at the first situation in this chapter and the return to work situation in the next two chapters.

As mentioned in the previous chapter, when your employee notifies you that he/she is unwell and will not be coming into work, you should inform him/her about when he/she should next contact you, e.g. after three days' absence, if he/she does not return to work before this time.

When the employee contacts you at this time, you should ...

- **check that the reason for the sickness remains the same.**
- **check on the expected return to work date.**
- **remind the employee of the requirement to provide either a self-certificate or a doctor's fit note.** It is good practice to remind employees of the need to obtain a doctor's fit note, otherwise they may forget to do so. Normally, a doctor's fit note is required when an employee is absent for more than seven calendar days.
- **remind the employee of when the next contact should be made** if he/she does not return to work before then.

Contact should then continue to be made regularly with the employee until he/she returns to work. This is important so that you can ...

- **check** on his/her progress.
- **check** on whether there is any change to the expected date of return to work.
- **remind** the employee of any sickness absence policy requirements.
- **agree** any actions that should be taken, e.g. that the employee will obtain a medical report.
- **keep** the employee informed about important work news.
- **plan** for any actions needed during the employee's absence, eg arranging for the work to be covered.
- **plan** the employee's return to work.

Your organisation's policy and procedure may detail how frequently you should try to make contact with the employee. If the timing is not specified, it is important that you contact him/her on a regular basis. You should agree with the employee how frequently contact will be made and how this will be made, e.g. face-to-face, telephone, e-mail etc.

In cases of serious injury or illness it may not be possible to contact the employee and you may need to contact the employee's designated emergency contact instead. Once a better prognosis of the employee's condition is known, you can then decide on what would be an appropriate timing for and form of contact with the employee. This may necessarily be less frequent than in other cases of sickness absence. You should give sympathetic consideration to the individual's needs.

### Example

*John is a manager of a retail store. On one Monday morning, one of his sales assistants, Jill, rang in at the start of the day to let him know that she would not be coming into work because she had a bad stomach ache. John asked when she thought she might be well and back at work and was told after 48 hours.*

*John asked the other two sales assistants to cover her work.*

*Jill did not return on the third day. Good practice would have been for John to ring Jill and find out how she was doing and her new expected return to work date. John, however, was reluctant to telephone her in case she felt she was being harassed. He thought she would likely only be absent for another day and again asked the other sales assistants to continue to fill the gap. They agreed but started to grumble among themselves that they were already very busy.*

*In the event, Jill did not return to work until the following Monday.*

*John met with Jill on her return and asked her for her doctor's note covering her illness. Jill said she did not have one because she did not know one would be needed.*

*Because John had not contacted Jill on the day when she said she would return to work ...*

- *He had to make assumptions about when she might return to work and, because he did not have a more accurate date, could not plan properly for her work cover.*
- *This resulted in the other two members of staff being put under pressure and becoming dissatisfied.*

- *Also John did not remind Jill that she would need to obtain a doctor's fit note if she was going to be absent for more than seven days and as a result one was not provided. This means that an important document for the effective management of sickness absence was missing from her file. It would have provided evidence about the reason for the absence if needed in the future, e.g. if it became necessary to review Jill's absence record because of concerns about levels of sickness absence, and in identifying any patterns of illness that were developing.*

## Chapter Five – Preparation for the return to work discussion

Having a conversation with an employee on his/her return to work after a sickness absence – commonly referred to as a 'return to work' discussion - is an effective way to manage sickness and reduce sickness absence levels. It is important that this discussion is held with all employees returning to work after a sickness absence so that everyone is treated the same and to prevent claims of unfairness.

The conversation will be more successful if you prepare for it in advance.

Give consideration to ...

- attendees
- place
- timing
- information required
- what to say
- possible outcomes.

### Attendees

As a minimum, the discussion will normally involve you as the line manager and the employee. You may also want to include or your organisation's policy may require the inclusion of other people. For example ...

- another manager or member of the HR team to take notes and/or act as a witness
- another member of staff to act as a companion for the employee.

**Note:** If the matter is sensitive, it may be more appropriate for the interview to be conducted by a manager of the same sex or a member of the HR department rather than the line manager.

### Place

As you will be discussing personal information, you should find somewhere private to have the conversation, whether it is to be face-to-face or on the telephone ...

- you may be able to use an office or meeting room if one is available
- if not there may be a suitable isolated seating area

- if there is no suitable area within the workplace, then consider somewhere appropriate near to the place of work, e.g. a quiet lobby area of a local hotel or a coffee shop during a quieter time of the day when there are fewer customers.

## Timing

You should plan to speak with the employee as soon as possible after his/her return to work. Your organisation's policy may specify a time when you should have the discussion, e.g. on the first day, within so many days of the employee's return etc.

There are good reasons why you should have the conversation as soon as possible after the return to work, e.g. so that you can check ...

- that the employee is fit to be back at work
- whether any adjustments that have been made to the work environment or duties are helping the employee with his/her return to work and to perform his/her job.

## Information required

You will need to have certain information to be able to hold a useful discussion. Try to find this information in enough time ahead of the conversation to allow you to familiarise yourself with it and to think about what you need to discuss and the actions you may wish to take.

The information to look for includes the ...

- dates and reason for the current sickness absence
- any self-certificates and/or doctor's fit notes
- notes of discussions/meetings
- medical reports
- similar records for any related previous illness
- records showing any pattern of absence.

Once you have this information, examine it to decide what you want to discuss with the employee and what actions you might wish to take ...

- **Assess whether the amount of time off is at a level that is raising concern or is approaching any trigger requiring action.** For example, if your organisation's policy requires the line manager to take some formal action once the employee has been absent for a set number of days, e.g. six days in a rolling six-month period.

- **What is/are the reason/s for the absence/s?** Is there a single medical condition or a number of different ones? This will affect how you will need to deal with the matter. For example, repeated absences for the same condition may be an indication of a more serious medical issue and you may wish to ask the employee to obtain a medical report. A number of different reasons for the absences could indicate that there is a non-medical underlying cause, e.g. conflict with work colleagues or a family problem. You will need to try to find out if this is the case so that you can determine what action can be taken.
- **Are there any medical reports?** You should study these to see what they are telling you, e.g. ...
  - Is the condition likely to recur?
  - Will the employee need time off in future to attend appointments/receive treatment?
  - Will you need to consider making adjustments to the way the employee's work is done or the workplace to help him/her perform his/her job? We will look more at these types of adjustments in [Chapter Six](#).
- **Is the absence made up of one or a number of short periods or one or more longer periods?** Short-term absence requires a different approach to long-term absence. For example, in the case of a long-term absence, you may wish to give consideration to a phased return to work. We will look more at these differences in Chapters [Eight](#) and [Nine](#).
- **Are there any patterns of absence developing?** For example, absences on Fridays and Mondays. If so, you will need to discuss this with the employee to try to find out if there is any underlying reason which requires action to be taken. For example, is the employee under excessive work pressure which is causing him/her to feel unwell and avoid coming into work on Mondays? If so, it may help the employee if he/she is given more guidance on how to better prioritise the job tasks or manage his/her time. Or, if the absence is due to socialising at the weekend, then the employee should be reminded he/she has a responsibility to ensure he/she is fit for work. The employee should also be informed that he/she needs to improve his/her attendance or it may become necessary to deal with the matter formally under the organisation's conduct procedure.



- **Did the employee follow your organisation's absence policy procedure properly?** If not, you will need to remind him/her about what he/she is required to do. If the employee has failed to follow the procedure more than once within a short time period, you should also warn him/her that failure to follow the procedure properly could result in needing to deal with the matter under the formal conduct procedure.
- **What stage of your organisation's sickness absence management procedure has been reached?**
- **Have any previously agreed actions been completed?** If not, why not? What needs to be done to ensure that the action/s is/are taken?

## What to say

Think about what you want to say ...

- **what is the objective of the discussion you are about to have?** Is the employee returning after a single period of absence or is this a return after a further period of absence?
- **are there any previously agreed actions to be reviewed?**
- **what stage of the sickness absence procedure has been reached?**
- **is it a case of short-term or long-term absence?**
- **what subject areas do you want to cover?**
- **how you want to structure the discussion?** A suggested structure is given in [Chapter Six](#).
- **how might you respond to issues the employee may raise**, e.g. a request to work flexible hours or from home? What are your organisation's policies on these subject areas?

## Possible outcomes

Think ahead about what the possible actions are that you and the employee might take. What would you like to happen?

Here are some situations you may need to consider if ...

- more information on the employee's condition is required or you have a concern about a possible underlying medical condition, **you may wish to ask the employee to obtain a medical report.**
- the employee is not able to carry out his/her full duties, **you should give consideration to making some adjustments to the way the work is done and/or the workplace.** (More on this in [Chapter Six](#)).
- it is found that the sickness absence is the result a lack of knowledge on the part of the employee on how to carry out the job properly, e.g. due to

bad posture when using a computer or inappropriate lifting of heavy weights, **you may need to consider providing the employee with more training or supervision.**

- the employee states that the absent is due to a work-related cause, **you may need to arrange for a health and safety assessment to be carried out.**

## Chapter Six – The return to work discussion

The preparation for the return to work conversation ([Chapter Five](#)) will enable you to have a more effective discussion with your employee. The actual content of the discussion will, of course, depend on the particular circumstances of the employee's sickness absence. Some areas that you may need to cover more commonly are ...

- **Welcome the employee back.** This establishes a supportive tone to the conversation. If the employee has never or seldom been absent, this is a good time to give positive recognition to his/her good attendance.
- Explain the **purpose of the conversation.**
- Check whether the employee is **fully fit** to return to work. If he/she is not fit to be at work, you should send him/her home. The employer may be liable if it allows an employee to remain at work when unwell and he/she has an accident.
- Check that the **reason for the absence** is the same as first reported or if there are additional reasons. You do not need to know the exact details of the illness, just enough to understand its nature and the impact for the business.
- Check whether there are **any underlying reasons** for the absence, eg work, personal or family problems.

If there is a work problem, e.g. conflict with other employees, you will need to take action to try to resolve it.

If there is a non-work problem, e.g. personal or family, be sympathetic but do not become personally involved. Check with the employee what he/she will do to improve his/her attendance at work. It is not your responsibility to discuss the details of or solve the problem for the employee, however, there may be support you could offer. For example, you may be able to ...

- direct the employee to **external sources of help** (e.g. [Citizens Advice Bureau](#), charitable organisations, etc).
- **adjust the employee's working hours** temporarily to give him/her time to deal with the matter or put the first steps in place.
- if there is one, direct your employee to your organisation's Employee Assistance Programme (EAP). These programmes are normally run by external providers and offer a confidential telephone helpline for employees. Advice may be offered on various matters, e.g. financial, legal, health etc. If your organisation does

not have one, you can obtain advice on how to access these services from the Employee Assistance Professionals Association website: [www.eapa.org.uk](http://www.eapa.org.uk).

- Ask the employee to complete a '**self-certificate**', if he/she has not already done so and does not have to provide you with a doctor's fit note. A self-certificate gives information such as the dates of the absence and the reason for it. Your organisation may have a form for this purpose. If not, a basic one is provided in [Appendix C](#) which you can adapt to meet your own organisation's particular needs.
- **Check what the employee has done to help his/her recovery** and prevention of any re-occurrence of sickness, e.g. has he/she seen a doctor. Employees have a responsibility for their own health and for being fit for work.
- If the employee has been absent for more than seven days or some other time set by your organisation's policy and you have not already received it, **ask for a copy of the doctor's Statement of Fitness for Work**. This is commonly called a 'fit note'.

**Note:** 'Fit notes' replace the previous 'sickness certificates'. The doctor will enter on the note the nature of the sickness and whether the employee is unfit for or may be fit to work. Doctors are not required to issue a fit note for absences of less than seven days. If you want a note for an absence of this length, the doctor may make a charge. If the note says that the employee may be fit for work, the doctor may also say what the effects of the illness are and what could be done to help the employee back to work, e.g. a change to work hours or duties.<sup>1</sup>

- **Let the employee know if he/she has not followed your organisation's absence policy properly** and what he/she needs to do differently next time.

**Tip:** It is good practice to remind your staff once in a while, e.g. at team meetings, about the requirements of your organisation's sickness and other key policies.

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<sup>1</sup> An independent review into sickness absence requested by the government published its report in November 2011. It includes a recommendation that an 'Independent Assessment Service' should be set up to judge a person's work capabilities and how he/she could be supported to return to work in cases of long-term sickness absence referred to it via GPs and employers. Government ministers are reviewing the recommendations and will produce a response in early 2012.

- **Check whether the employee needs any adjustments to be made to his/her work or workplace**, either in the short-term or permanently to help him/her back into his/her work. (More on this in the section on 'Outcomes' below).
- **Check if the employee is on any medication** as a result of the absence that may affect his/her performance at work and if so in what way. Then discuss whether any adjustments can be made that might help deal with these impacts.
- **Check whether the employee is likely to need any more time off work for follow up treatment, operations etc.**, so that you can plan for this absence, eg by re-prioritising work duties, engaging temporary cover etc.
- **Discuss any actions that could be taken to help prevent a recurrence of the ill-health in the future.** This may, for example, be obtaining a medical report and/or making workplace adjustments.
- If you are concerned about the level of absence or there is a pattern of absence, **take the employee through his/her absence record.** Explain the negative impacts on his/her job performance and that of the department and the business. Then discuss what can be done to improve his/her attendance.
- **Ask if the employee considers there was a work-related reason for his/her absence.** If he/she says there was, then you should investigate the suspected cause. If a risk is identified, you should try to find a way to remove the cause to help prevent any recurrence of the employee's absence and protect others in the workplace. Employers have a responsibility for the health and safety of people in their workplaces under the Health & Safety at Work Act 1974 (HASAWA) (see [Appendix D](#)).
- If there are frequent absences or a particularly long period of absence, **you may need to inform the employee of the possible consequences** if there is no improvement in attendance at work. This might be a risk to the employee's continued employment. Again refer to your organisation's policy or HR department on what action you could take. Or, if you do not have these, you may be able to get external guidance from your, local trade association or [Business Link](#).
- **Update the employee on work matters.** Cover areas such as the work of the department; any significant changes in the organisation, e.g. restructures; new practices etc. Also carry out any work handover.
- **Summarise any key points and actions.**

- **Make a written note of key points and agreed actions.** If you do not have a form for this purpose and would like to use one, a basic sample is given in [Appendix E](#), which you can adapt for your own use.
- End the discussion by once more **welcoming the employee back to work.**

A checklist covering the above points of return to work discussions is provided in [Appendix F](#) for you to use or adapt as appropriate to your own situation.

## Outcomes

When deciding on and agreeing appropriate actions with the employee, e.g. to obtain a medical report, make some adjustment to the way the work is done etc, give consideration to ...

- **What has been done in any similar situations in the past.** In the interests of fairness, you should look at what action has been taken in similar situations within your organisation. If you have an HR department, they may have access to this information. Failure to act fairly could result in the employee bringing a case against the organisation of unfair discrimination or constructive dismissal to an employment tribunal.

**Note:** You do not have to take exactly the same action in every similar situation, as the different circumstances of each case of sickness absence may need a different approach but you should have good reasons for the decisions you make and any differences in actions taken.

- **Whether more medical evidence is needed.** For example if ...
  - you need the information to help decide on suitable adaptations to the way the employee's job is done.
  - there have been frequent absences and you wish to determine whether there may be an underlying medical cause.
- **Whether any work adaptations are needed.** Is your employee not yet able to perform his/her full job duties or does he/she have a disability requiring consideration to be given to making reasonable adjustments as required under the Equality Act 2010 (see [Appendix D](#))? If so, you should consider whether it is possible to make one or more adjustments to the work or workplace, e.g. shorter hours for a period; temporarily allocating certain duties to other employees; hiring/purchasing special equipment etc. Examples of adjustments you could make are given in [Appendix G](#). Advice on suitable adjustments for employees with disabilities can be obtained from the relevant charities.

- **Whether the employee needs more training or supervision** to be able to perform his/her job safely and help prevent further sickness absence.
- **How the actions will be monitored and reviewed.** When you agree the actions with the employee, you also need to agree how his/her progress back into work will be monitored and how frequently you will review it with him/her. Explain to the employee that you need to do this to help ensure that he/she is coping with the return to work and that any adjustments made are working.

### Work and workplace adjustments mini-scenarios

Imagine that you are faced with each of the situations below, where one of your employees is returning to work after a sickness absence but is not immediately able to perform his/her full job. Consider what adjustments to the way the work is done and/or workplace you might make.

1. **Ali** is a market analyst. He has broken his leg. It has healed sufficiently for him to manage to get around using one crutch and return to work.
2. **Billy** works on a production line. He is returning to work after a debilitating illness. He gets tired more quickly than normal.
3. **Carol** is an accountant. She has had a serious infection and will be on medication for a few weeks. One side effect of this medication is that she finds it hard to concentrate.
4. **Di** works with two other employees in the post/stationery department. Her duties mainly cover sorting and delivery of incoming post, franking and sorting of outgoing post, delivery of stationery items to departments and basic maintenance of the photocopiers, eg changing ink cartridges. A small part of her work involves taking sacks of post to the rear door of the building for collection by the post office. She has strained a muscle in her back which means she will not be able to lift heavy weights for about a month.
5. **Eli** is a computer operator. He has been absent from work with pains in his wrist.

[Appendix H](#) contains ideas about what you might do.



## Chapter Seven – After the return to work

If the employee has returned from work after a straightforward absence, e.g. for a cold, then once you have completed the return to work discussion, you will probably need to do nothing further than check later in the day or the next day that the employee is still feeling all right.

If the employee has returned to work and ...

- has had frequent or a pattern of absence; or
- has returned after a long period of absence; or
- actions were agreed at the return to work discussion

... then you will need to hold fuller and/or further discussions with the employee.

### Frequent or a pattern of absence

In these cases you should have a discussion with the employee to ...

- Try to **determine the reasons for the absences**. See [Chapter Eight](#) on managing short-term absence.
- Try to **find ways of improving the employee's attendance**.
- **Review any agreed actions** with him/her to check that all is going well or if any changes are necessary.
- **Check whether there is any support** that the organisation can give, e.g. your organisation's Employee Assistance Programme (EAP) (see [Chapter Six](#)) or directing him/her to external sources of advice such as the [Citizens Advice Bureau](#).
- **Inform the employee if the level of absences is causing concern** and warn him/her if there may be a risk to his/her continued employment.

### After a long period of absence

If the employee has returned after a long period of absence, you should have one or more conversations with him/her to ...

- Check that he/she is **still fit for work/progressing well**.
- **Review any agreed actions** with him/her to check that all is going well or if any changes are necessary.
- Check that any **reasonable adjustments are working** or whether any changes are necessary.



### Where actions have been agreed previously

You should have one or more discussions with the employee to ...

- **review any agreed actions** with him/her to check that all is going well or if any changes are necessary.
- check that any **reasonable adjustments are working** or whether any changes are necessary.

These conversations should continue until the employee is fully fit and/or all actions have been completed.

## Chapter Eight – Managing short-term sickness absence

If you are managing a case of short-term sickness absence, there are particular issues to consider.

There are three common situations that you may need to deal with. These are a return to work after a short absence ...

1. For a straightforward reason, e.g. a cold, or where there have been a small number of recent absences only; or
2. Where it is one of a number of frequent short-term absences; or
3. Where it is part of a pattern of absences, e.g. one of a number of absences taken on Mondays.

Looking at each in turn ...

### Returning to work after a straightforward short-term absence or a small number of recent absences

In these cases all you are likely to need to do is hold a short return to work conversation welcoming the employee back to work. It is still good practice to keep a brief record of the main points, e.g. the dates of the absence and discussion, nature of the illness and that no action is required. (Again, you can use or adapt the sample form in [Appendix E](#) for this purpose if your organisation does not have its own). You should also check that the employee is still feeling all right at the end of the day.

### Returning to work after a short-term absence where there have been frequent absences

In this case you should draw the employee's attention to the fact that the frequent absences have been noted and this is raising concerns about his/her health. Also explain the impacts of the absence on the employee's job performance and the performance of the team and organisation. You then need to go on to discuss how the employee's attendance could be improved.

Frequent absence could be an indication of a non-medical problem, e.g. at work or due to family or personal reasons etc, or a more serious underlying medical condition. You need to have a conversation with the employee to try to find out if ...

- **there is a work problem**, e.g. the employee is being bullied. If there is you will need to take action to try to resolve it.

- **there is a non-work problem**, e.g. personal or family. Be sensitive to the employee's situation but remember it is not your place to solve the problem for him/her. Ask the employee what he/she will do to improve his/her attendance at work and offer any support that you can. This may be ...
  - **guiding your employee** to the organisation's Employee Assistance Programme (EAP), if you have one. These programmes are covered in [Chapter Six](#).
  - **guiding your employee** to external sources of help, e.g. the [Citizens Advice Bureau](#), charitable organisations etc.
  - **making a temporary adjustment** to the employee's working hours to help give him/her time to deal with the matter.
- **there may be a more serious medical condition**. You may wish to ask the employee to obtain a medical report. Explain that you are concerned about the frequent level of absence and need to try to find out the reasons for it so that you can both take appropriate actions. Be careful not to alarm the employee by worrying him/her about his/her health.

In all cases, actions should be agreed with the employee for minimising the risk of further absence.

Where there might be a need to take formal action in the future if there is no improvement in attendance, you should warn the employee of this. Check your organisation's policy, where you have one, for what formal action may need to be taken.

### **Returning to work after a short-term absence where there is a pattern of absence**

A pattern of absence could be a sign of a problem other than illness and you should explore this with the employee.

Tell the employee that you have noticed the pattern and go through his/her absence record with him/her. Ask why the pattern is occurring ...

- The employee may tell you that he/she has a problem at work or a problem outside work, e.g. a personal or family matter. If so, you can manage it in the same way as described in the section above for cases of frequent absence.
- If the employee says that the sickness is due to some social activity, then remind him/her that he/she has a responsibility to be fit for and attend work. Also, inform him/her of the formal action that may need to be taken if his/her attendance does not improve.

If there is no improvement in attendance and it is beginning to have an adverse impact on the organisation, you should tell the employee what the outcomes might be if his/her attendance does not improve, e.g. a need to handle the matter under the formal capability or conduct procedure.

## Chapter Nine – Managing long-term sickness absence

If you are managing a case of long-term sickness absence, particular issues to consider are ...

- Maintaining contact with the employee. This is important so that ...
  - you can **show that the organisation is concerned** about the employee's welfare.
  - you can **check his/her progress**.
  - **the employee does not feel isolated from work**. The longer an employee is absent from work the harder it is for him/her to return. He/she can lose confidence and feel excluded from the workplace.
  - you can **plan for the cover** of his/her job duties.
  - you can **plan the employee's return** to work.
  - you can **keep the employee up-to-date** with what is happening, as long as he/she is fit to receive this information. Again this helps the employee keep in touch with the organisation and will help smooth the eventual return to work.
- Medical referral
  - It may be necessary to **obtain more medical information** on the employee's condition to help decide on appropriate action. You will need to know the prognosis for the condition, the likely return to work date and what adjustments to the work or workplace, if any, would be helpful for a successful return to work.
- Return to work planning
  - If an employee is **returning to work after a long absence**, you should plan for that return.

Looking at each of these factors in turn ...

### Maintaining contact

When maintaining contact, you need to consider ...

- the **frequency** of the contact
- the **form** the contact will take, e.g. face-to-face, telephone etc.
- the **place**
- **who** will make the contact
- the **information** you need from the employee and what you will give.

## Frequency of contact

Your organisation's policy may state when you should make contact with your employee. If not, you will need to agree the frequency of the contact with the employee. Be sensitive to the employee's needs. You should aim to contact him/her frequently enough to show concern and check progress but not too often that you cause the employee upset and delay his/her recovery.

## Form of the contact

Check whether the employee has a preference for the form the contact takes. Decide whether this preference is appropriate and agree a suitable form with the employee. For example, he/she may feel able to cope with face-to-face contact once every two weeks but may be happy to have more frequent contact by phone or e-mail.

## Place

If you are going to meet with the employee think about where would be appropriate.

If the employee is able to travel into the workplace, this is often preferable as it helps him/her maintain contact with the work environment. Or if the employee is not yet ready to come into the workplace, consider a local hotel reception area or café. Wherever you meet, you should look for a private area.

If at the employee is not able to travel, you may need to go to his/her home. Agree a suitable time for a visit with the employee.

**Note:** If you are meeting away from the workplace, consider taking someone else with you, e.g. a member of the HR team or another manager, to act as a witness to what happens. Obviously, you should let the employee know that you will be bringing someone with you.

## Who should make the contact

Think about whom is the best person to make the contact. This could be a different person for different subject matters. It should be the line manager for key work issues but another member of the department could be chosen for other information, e.g. matters concerning members of the work team etc. If the contact concerns discussion of a sensitive matter, it may be more appropriate if it is carried out by a manager of the same sex or of the HR department.

## Information you need from the employee and to give him/her

You should ask the employee about ...

- his/her **progress**
- his/her **expected date of return** to work
- any **adjustments** he/she may need to be made to the way the work is done or the workplace to aid his/her return to work.
- what he/she wants **other people to be told**.

**Note:** Other people should be told only what they 'need to know', unless the employee has given permission to say more.

Consider the information you should give to the employee. This might include ...

- a **verbal update** on key work matters.
- **key written organisation communications**, e.g. about organisation structure changes and business successes and developments, so that the employee is kept up-to-date and does not feel forgotten.
- a copy of other, **non-essential, communications** such as company magazines. You could agree with the employee whether he/she wants to receive these.

## Medical referral

In cases of long-term sickness, it is often more important to have medical information. This will help with the prognosis, planning for the return to work and making any adjustments to aid this.

If you want your employee to obtain a medical report, tell him/her why it is needed, e.g. to help his/her return to work. Explain whether the assessment will be done by interview or whether a physical examination will be required and who the report will go to.

Your organisation's contracts of employment may set out whether employees are required to undergo medical examinations. If not, there is no requirement for them to do so. If the employee does not agree to obtain a medical report, warn him/her that if he/she does not obtain a report, you will need to make a decision based on the other information you have available.

You may want a report from a GP and/or Occupational Health.

The employee's GP will know about the individual's medical history and medical condition and prognosis. If asking for a report from the employee's doctor,

explain to him/her why you need the report. You want a diagnosis of the medical condition, information on the employee's ability to do the job and, if the employee is still off sick, the prognosis of the likely return to work.

Under the Access to Medical Reports Act 1998, an employer needs to obtain the employee's written consent to see a copy of any medical report about him/her obtained from the doctor responsible for his/her clinical care. The employee can request that he/she receives a copy of the report first. Then the employee can refuse for it to go to the employer or, if he/she disagrees with the content, ask for the report to be amended by the doctor. If the doctor disagrees with the requested changes, the employee can ask for the doctor to attach a statement saying what the employee disagrees with.

An Occupational Health expert will be better able to identify the impacts on work performance and adjustments that might be useful. As these reports do not always contain details of clinical care, the requirements of the Access to Medical Records Act will not always apply. Check whether they will or not with your Occupational Health Provider.

## Return to work planning

If your employee has been absent from work for a long period, he/she may find it more difficult to return. He/she may have lost confidence because of the affects of his/her medical condition or feel that he/she has lost touch with the work and the workplace.

You can ease the employee's transition back to work by careful planning. Have a discussion with the employee to ask what his/her needs are, get his/her thoughts on what could be done and find out if he/she has any concerns. Have the discussions early enough to allow time for the actions agreed to put these into effect. Generally, this should be done at least a month before the employee's expected date of return to work.

Give consideration to including the following in your planning ...

- Whether a **phased return to work** is required. This can be implemented in a number of ways ...
- The employee's **hours could be reduced** initially and increased over time back to full hours. This could be done by ...
  - **reducing the number of days of attendance per week.** For example, for an employee who works a five-day week, the employee could return initially for two days a week for two weeks,



then three days a week for a further two weeks, then four days a week for two weeks and then back to a full five days a week; or

- **reducing the hours worked each day.** For example, starting by working half days for two weeks and then building up to full-time hours over the next few weeks.

The exact hours worked per working week and the timescale over which the phased return continues would depend on the employee's needs, your operational needs and the resources available to cover the parts of the employee's job that he/she is unable to do.

- **adjusting the employee's work duties** so that initially he/she carries out only those duties that he/she can cope with and then gradually takes on the other duties over the following weeks until he/she is performing the full job again.
- **staggering the work start and finish times.** If the employee has problems with travel, e.g. due to reduced mobility or anxiety, then you could consider changing his/her start and finish times so that the employee does not need to travel during the main rush hours.
- **allowing home working** for a period if it is operationally viable.
- **Temporary or permanent adaption of work equipment**, e.g. hire or purchase of an ergonomic chair or back support where the employee has back problems.
- Does the employee need any **retraining** to be able to fully perform his/her job?
- **Having a meeting** with the employee about a week before his/her return date to update him/her on any recent developments at work and check whether he/she still has any concerns and agree what will be done about them.
- Whether arranging for the employee to **visit the workplace** before his/her return to work date would be beneficial for the employee. It would give the employee an opportunity to meet with his/her work colleagues and re-familiarise himself/herself with the work environment without having any work pressure. If this is a possibility, ask the employee if he/she would like to do this.
- **Being available to see or at least to speak** with the employee on his/her first day back so that you can make him/her feel welcome and deal with any concerns he/she may have.

- **Planning the job tasks for the first day** to ensure that the employee is not overloaded and everything he/she needs is available.
- Arranging for the **relevant people to be available** to do the necessary work handover. But again arrange this so that the employee is not overloaded.
- Arranging for a period of **regular reviews** with the employee to take place after his/her return to ensure that all is going well and to make any changes necessary.

When deciding what actions to take, consider ...

- The employee's medical **condition/records** ...
  - what is his/her **fitness** for work?
  - is he/she able to **carry out the full job**?
  - will he/she be able to **work the full hours**?
- How long any work/workplace **adjustments** will need to be in place.

Capture your plan in writing so that you can monitor its implementation.

If any problems arise after the employee has returned to work, speak with the employee immediately so that any necessary changes can be made quickly and any other actions needed taken, e.g. a referral to occupational health.

### **Exercise: Differences between the management of short-term and long-term sickness absence**

What are some of the main differences in the way you should manage short-term and long-term sickness?

#### **Short-term sickness**

#### **Long-term sickness**

Now check your thoughts with the differences given in [Appendix I](#).

## Chapter Ten – Change to/termination of employment

If an employee has frequent short-term sickness absences or a very long period of sickness absence, there may come a stage when you have to give consideration to whether ...

- the employee will be able to continue to perform his/her full job; or
- your departments' operations will be able to continue to function effectively with the employee's current high level of absence.

Before you take any decision on what to do, it is imperative that you follow a proper procedure, the decision should never be rushed. You will want to treat the employee fairly and **have evidence** that you have done so.

Your organisation's sickness absence policy may give guidance on the steps you should go through. If not ...

- First consider whether any **permanent adjustments** could be made to the way the employee's job is done/the workplace so that the employee may continue to perform the job.

If this is not possible, consider whether there are any other jobs in your organisation that the employee may be able to do. Occupational health and any medical reports and fit notes you have can help provide information on what type of jobs the employee might be able to perform. It is good practice to actively look for this alternative employment. Speak to HR and other managers in your organisation and don't just make a judgement based on your own current knowledge alone. If you or the employee are uncertain about the suitability of an alternative job, you could agree to a trial period. Record this in writing.

- If there is no suitable alternative work, then ill-health retirement might be an option and you should check your organisation's pension scheme rules to see if this is a possibility. You should also seek advice from your HR team and/or pension scheme administrators. It is best not to offer this option to the employee until you have checked whether it is a possibility.

Or your organisation may have permanent health insurance that might cover the situation. Again, check the terms and conditions and with HR or the insurance provider before offering this option to the employee.

- If this is not possible then you may need to consider terminating the employee's employment. This should never be done without following a

proper procedure. **If you act hastily, you may find yourself answering a claim of constructive dismissal at an employment tribunal.** Check your organisation's procedure and seek advice from your HR team before taking any action. If you do not have HR support available, you may be able to get guidance from an external source such as [Business Link](#) or your trade association.

It is important to warn the employee at an early stage if his/her employment may be at risk and to discuss ways of improving the situation.

If you do need to consider terminating the employee's contract of employment, before making a decision you should take into account ...

- the **frequency, patterns and length** of the absence/s
- the **reason/s** for the absence/s
- the **prognosis**
- **other reasons** for the absences, e.g. personal problems
- the **effects the absences** have on the organisation and its other employees
- **your organisation's resources.** A large organisation is more likely to have the resources to enable it to maintain its operations for longer if an employee has a high level of sickness absence. This is a factor that an employment tribunal will take into account if a claim of unfair dismissal is brought by a employee dismissed because of a high level of sickness absence
- the employee's **employment history** and
- action that has been taken in any **similar cases.**

Discuss your thoughts with HR, if possible, to get their advice and check your thinking.

## Chapter Eleven – Good sickness absence records

It is important that you keep adequate records concerning any case of sickness absence you manage for the following reasons ...

- so that you can **monitor and review** the case if necessary to check on the employee's progress, whether an employee is carrying out the agreed actions, whether he/she is having any problems returning to work etc.
- so that your **records are up-to-date**. This will help you identify if an employee has had a lot of time off and if any absence patterns are developing.
- to fulfil your **legal obligations**. Under the [Data Protection Act 1998](#), sickness and medical records are 'sensitive' data and there are extra obligations on employers in keeping them (see [Appendix D](#)). Ensure that your records are adequate and accurate and kept confidential with access only to those who need to know.
- to provide **evidence of how the case was managed** if a claim is brought against the organisation by the employee to an employment tribunal.
- for **handover to another manager** if you move on to another job. This will mean that the new manager can pick up the management of the sickness absence from the point you have progressed it to rather than having to restart from the point he/she takes over. This prevents the loss of the previous efforts to manage the situation and the timescale for dealing with the situation being extended.

## Chapter Twelve – Making the most of occupational health advice and support

Occupational health services can provide important help in the management of sickness absence. They can offer the expertise of medically qualified staff and provide advice on the practical aspects of dealing with ill-health at work. They do this by ...

- **examining** the work environment
- **investigating** the employee's situation and
- **recommending** actions to help overcome the work performance problems caused by his/her ill-health.

The exact services they provide to an organisation vary with the contract entered into but may include ...

- carrying out **medical interviews and examinations** and producing reports.

**Remember:** The Occupational Health service should not be asked to contact the employee to produce a medical report until after you have discussed this with the employee.

- **giving advice** to management about how to manage a sickness issue.
- discussing the situation directly with the employee.
- **going through an employee's medical records** to check whether the affects of the ill-health match the medical condition identified or whether they could be a sign of another condition, which can then be checked for.
- helping identify whether there may be an **underlying medical condition**.
- advising on whether **further medical checks** or referrals would be advisable.
- **identifying whether the condition is a disability** under the legislation.
- **helping with adjustments** to the work and workplace.
- **advising on return to work plans**.
- **monitoring the progress** of the implementation of action plans.

### Example

*Pat has been a line manager for a number of years in a local authority housing department. Her department experiences a higher than average level of sickness absence.*

*She does her best to manage the sickness absences of her staff but sometimes is not sure what to do. The organisation has the services of an Occupational Health provider but she has been unhappy about the information provided by them in the past and, therefore, does not often refer to them for advice. Her main complaint about the services supplied is that the information provided is too brief and general.*

*Pat is having lunch with another manager, Bert, one day when she happens to mention her sickness absence problems and her low opinion of the Occupational Health service.*

*Bert is surprised that she is dissatisfied with the service provided as he has had the opposite experience and has found the information provided very helpful. On discussing her issues further it becomes apparent to Bert that the reason that she is not getting the best from the service is that she is not asking the right questions.*

*Currently she asks for a general health report on the employee.*

*However, she does not ask other specific questions relating to the individual's condition, e.g. do the symptoms match the condition identified? How might the condition be expected to impact on the employee's performance? Are there any adjustments that could be made to the way the job is done to prevent a recurrence?*

The story above highlights that there is an effective way to contact an Occupational Health provider to get the required information from them. Some tips are given below.

### **Tips on contacting your occupational health provider.**

To maximise the benefits of your relationship with your occupational health provider and get the information you require to help manage your ill-health situation, there are things you can do ...

- Make sure they understand the requirements of the job. Tell them about the ...
  - job duties
  - working hours
  - physical requirements, e.g. lifting weights, repetitive movements etc
  - particular mental/emotional demands, e.g. long periods of concentration, dealing with customer complaints etc
  - key outputs of the job.

- Ask the exact questions you want answered, e.g. what part of the job will the employee be able to perform immediately on returning to work? If you don't, you may not get sufficient information.

You should be aware that they may not have access to the employee's full medical record, so cannot always give definitive advice.

**Note:** The final decision and liability for any action taken with regard to the sickness absence issue, whether or not based on advice from a medical adviser, remains with the employer.

If your organisation does not have its own occupational health department, then there are other ways to obtain these services, e.g. ...

- your **Employer's Liability Compulsory Insurance policy** may cover rehabilitation services
- **NHS Plus** via its free advice helpline - 0800 0 77 88 44 or [website](#)
- call your **local hospital** to see if a service is available and how to access it
- your **local trade association** may be able to direct you
- your employee may be able to get a **GP referral**
- your **local authority's Social Services** department may employ occupational therapists
- the **Disability Employment Adviser** at your local [JobCentre Plus](#) may be able to put you in contact with a local Occupational therapist
- through the [Society of Occupational Medicine](#).



## Chapter Thirteen – Disability considerations

If your employee's sickness absence is related to a disability, there are certain legal obligations you need to comply with. These are required under the Equality Act 2010. (For a summary of the relevant key points of this Act, see [Appendix D](#)).

Under the Act, a disabled person is defined as someone who 'has a physical or mental impairment and this has a substantial and long term adverse effect on the person's ability to carry out normal day to day activities'.

The Act says that an employer should not unfairly discriminate – directly, indirectly or because of discrimination arising from a disability - in its treatment of an employee because he/she has a disability. Employment tribunals can award unlimited compensation to an individual who is unfairly discriminated against.

You should check whether the sickness absence is linked to a disability. Ignorance is not a defence in court if you could have known that the employee has a disability. The employee does not need to tell you that he/she has a disability but at least you will have tried to find out.

Employers also have a duty to make reasonable adjustments to help the employee to be able to perform his/her job to the required standard.

There are no set adjustments that should be made for any particular disability. What is appropriate and reasonable will depend on the circumstances of each case. For examples of adjustments that might be made, see [Appendix G](#).

If your employee's sickness absence relates to a disability, you should discuss with him/her if there are any adjustments that might help him/her to perform his/her job or return to work after an illness.

If you and your employee are uncertain about what to do, the employee can seek advice from a Disability Employment Adviser (DEA), who can be contacted through the local [JobCentre Plus](#).

You may be able to obtain funding for any identified adjustments through the government's [Access to Work scheme](#). This scheme provides eligible employees and their employers with advice and assistance with the costs of making reasonable adjustments. Up to 100% of the costs may be covered depending on the nature of the adjustment. Examples of costs that may be covered are for: a support worker; equipment; and costs in getting to work if the employee cannot use public transport.

**Note:** If an organisation uses triggers in its sickness absence policy that require certain action to be taken once a specified level of absence has been reached, then a reasonable adjustment might be adjusting these triggers upwards for an employee experiencing disability related absences, so that a higher number of absences has to be reached before the action is taken. If you have this situation, you should discuss it with your HR manager. Or, if you do not have an HR department, you may be able to get advice from a relevant charitable organisation.

### Disability mini-case study

*A was employed by company B as a customer services adviser dealing with telephone calls from the public. He has diabetes and needs to take regular blood glucose level tests to monitor his condition. He needs time away from his work to do this. Company B operates limits on the amount of time its customer services advisers may take away from their desks during the working day. A's need for regular blood tests meant that he frequently exceeded these limits.*

*A's diabetes also makes him more susceptible to other infections. Because of this, he has a high number of days of sickness absence. This has meant that he has hit the organisation's sickness absence triggers a number of times in the past.*

*A's line manager, C, is not sympathetic to his needs. She did not take the need for short breaks into account when assessing his work performance. She told A that he should take his blood tests at his desk but this was upsetting to some of his work colleagues.*

*A was asked to see the organisation's Occupational Health service and its report confirmed that his condition would require regular blood tests and that the employee would be more prone than others to some other illnesses.*

*A became reluctant to take all the blood tests needed because of the negative impacts on his work colleagues and performance reviews and did not do so as frequently as he should. As a result he had a hypoglycaemic attack and collapsed at work one day and injured his head.*

*Following this, he was not able to return to work and his employment was terminated after one year's sickness absence.*

*A brought a claim of disability discrimination to an employment tribunal and won. The tribunal said that the employer had ...*

- *ignored the fact that the employee had a disability*

- *not allowed that A's high absence levels and time away from his desk were related to his disability*
- *not considered or made any reasonable adjustments.*

What do you think the organisation could have done to have better managed the situation?

Some thoughts are given in [Appendix J](#).

## Further sources of information

- [Acas](#) (Advisory, Conciliation & Arbitration Service)
- [Business Link](#)
- Business Link helpline: 0845 600 9 006
- [Equality Rights Commission](#)
- [Health & Safety Executive](#)
- [Trades Union Congress](#)

## Appendix A

### Exercise answer: Some costs:benefits of managing sickness absence

#### Costs

- your time
- your effort
- may be difficult to manage sensitive situations.

#### Benefits

- demonstrates that the organisation values its employees
- reduces the level of sickness absence
- can help improve the health of the organisation's employees
- makes the handling of sickness absence more effective and less problematic, time-consuming and costly
- increases the individual's and hence the organisation's performance
- gets employees back to work quicker (as long as they are fit enough)
- reduces feelings of dissatisfaction among other staff who have to cover the work of the absent employee
- minimises the need to employ temporary work cover
- helps prevent short-term absence from becoming more frequent or turning into long-term absence
- helps ensure consistent and fair treatment of employees
- helps avoid employment tribunal claims
- can help identify any potential workplace health and safety issues and enable them to be dealt with.

## Appendix B

### Notification checklist

When your employee contacts you to inform you that he/she will be off sick, remember to cover the following points. You can download a pdf version of this checklist from [here](#).

For Word Doc and Readers: The following table has 7 rows and 2 columns. The right cells in rows 2 to 7 are blank.

	Tick once done
Tell the employee you are sorry that he/she is not well and hope they will recover soon.	
Ask what the nature of the illness is (a brief description is sufficient).	
Ask what the expected return to work date is.	
Remind the employee of the requirements to contact you again during the absence period, provide a self-certificate and/or doctor's fit note etc.	
Wish the employee well again.	
Make a note of the main points of the conversation.	

For Word Doc and Readers: The table has 7 rows.

## Appendix C

### Sample employee self-certification form

If you would like to use or modify this form you can download an MS Word version from [here](#).

#### Confidential - Sickness Absence Self-Certification Form

**Employee's name:**

**Department:**

**Employee's National Insurance Number:**

**What was your first date of sickness?** \_\_/\_\_/\_\_ (day/month/year)<sup>2</sup>

**What was your last date of sickness?** \_\_/\_\_/\_\_ (day/month/year)<sup>2</sup>

**If you left work during a working day, what time did you leave?:** \_\_:\_\_

**What was the date of the last day you worked before your sickness began?** \_\_/\_\_/\_\_ (day/month/year)

**How many work days were you off on sick leave?:**

**What was the nature of your illness?** (Give brief details)

**Employee's signature:**

**Date:**

\_\_\_\_\_

<sup>2</sup> **Note:** The dates you enter may be days you do not normally work.

## Appendix D

### Summary of main relevant legislation

#### The Equality Act 2010

The Act prohibits unfair discrimination against individuals on the basis of one or more of nine 'protected characteristics': age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

Direct discrimination is where an individual is treated less favourably because of a protected characteristic.

Indirect discrimination arises when a provision, criterion or practice is applied to everyone but it places people with a protected characteristic at a particular disadvantage. For example, a requirement that all new recruits must have a driving license may indirectly discriminate against people who are not able to drive because of a disability.

An employer may be able to justify indirect discrimination if it can prove the requirement is a 'proportionate means of achieving a legitimate aim'. In the above example, a justification might be that the position being recruited to is one where the main job duties require the need to drive, eg lorry driver.

The Act also contains a duty on employers not to treat those with a disability unfavourably because of something connected with his/her disability - 'discrimination arising from disability'. For example, an employee with multiple sclerosis has a high level of sickness absence. A high proportion of this absence is due to the affects of the multiple sclerosis. The employee is selected to be made redundant because of the high level of sickness absence. The employee has been made redundant because of the level of absence, something related to the disability and so may be considered to have been treated unfairly because of discrimination arising from the disability. Again an employer may be able to justify this action if it can show that it is a 'proportionate means of achieving a legitimate aim'.

The Act says also that if a disabled person is at a substantial disadvantage in the performance of his/her job, then the employer has a duty to give serious consideration to making 'reasonable adjustments' to reduce or remove this disadvantage. For example, an employee with a visual impairment requires documents to be provided in a large type. It is always a good idea to discuss the employee's particular needs with him/her.



What would be a 'reasonable' adjustment will depend upon the particular circumstances of each case. Some factors that might be taken into account are ...

- whether the adjustment is likely to be effective
- how practical it is to implement
- the size of the organisation
- the cost of and disruption that would be caused by the adjustment
- the organisation's financial and other resources.

If an employer unfairly discriminates against an employee or fails to make a reasonable adjustment, the employee can bring a case against it to an employment tribunal. If the case is decided in the employee's favour, the organisation may be ordered to pay compensation and/or be required to make the adjustment. There is no upper limit to the amount of the compensation award that may be made.

## **Data Protection Act 1998**

The Data Protection Act was introduced to protect personal information relating to individuals.

This Act requires that certain principles should be met when processing personal data. Among these are that the data should be ...

- used only for the purpose it was obtained
- adequate, relevant and not excessive – employers should only process the data that is needed to meet their aims
- accurate and kept up-to-date
- kept for no longer than it is needed
- kept secure – consideration could be given to keeping written medical records in separate lockable files and having extra access controls for computerised records.

Records containing specific medical information are considered 'sensitive' data. In order to process sensitive data, employers need to be able to demonstrate that, as well as meeting the principles, an additional condition exists, such as ...

- it is necessary for the employer to meet its health and safety obligations
- it is necessary to prevent discrimination on the grounds of disability
- the employee has given his/her express consent for the information to be processed.

### **Access to Medical Reports Act 1998**

The Access to Medical Reports Act 1998 requires the employer to obtain the employee's permission in writing in order to have access to a medical report about him/her from a medical practitioner responsible

for the clinical care of the individual. It also gives the employee the right to see the report before it goes to the employer; and to refuse for it to go to the employer or ask for it to be amended if he/she thinks it is incorrect.

### **The Health and Safety at Work etc Act 1974**

This Act sets out the health and safety responsibilities of employers. These include the requirement to ...

- provide and maintain a safe and healthy work environment
- provide training and supervision needed to help provide and maintain a safe and healthy work environment
- take measures to control any health and safety risks identified.

### **The Management of Health and Safety at Work Regulations 1999**

The Regulations require employers to carry out assessments to identify any health and safety risks that may arise from work activities.

## Appendix E

### Sample sickness absence review form

If you would like to use or modify this form you can download an MS Word version from [here](#).

#### Confidential - Sickness Absence Review Form

**Employee's name:**

**Department:**

**Dates of sickness absence:** From \_\_\_/\_\_\_/\_\_\_ to \_\_\_/\_\_\_/\_\_\_ (day/month/year)

**Nature of sickness absence:**

**Note of main points discussed:**

**Actions agreed and review dates:**

**Employee's signature:**

**Date:**

**Manager's signature:**

## Appendix F

### Return to work discussion checklist

When your employee returns to work and you discuss his/her sickness absence, remember to cover the following points as appropriate. You can download a pdf version of this checklist from [here](#).

	Tick once done
Welcome the employee back. (If the employee has never or seldom been absent, this is a good time to give positive recognition to his/her good attendance).	
Explain the reason for the conversation.	
Check whether the employee is fully fit to return to work. If he/she is not fit to be at work, you should send him/her home.	
Check that the reason for the absence is the same as first reported.	
Check whether there are any underlying reasons for the absence, e.g. work, personal or family problems. (Consider any support that could be given, eg directing the employee to the organisation's EAP scheme or an external charity).	
If one is needed and you do not already have it, ask the employee to complete a self-certificate.	
Check what the employee has done to help his/her recovery and prevention of any re-occurrence, e.g. saw a doctor.	
If the employee has been absent for more than seven days or any other time set by your organisation's policy and you do not already have it, ask for a copy of the doctor's Statement of Fitness for Work.	

	Tick once done
If the employee has not followed your organisation's absence policy properly let him/her know this and what he/she needs to do differently next time.	
Ask if the employee needs any adjustments to be made to his/her work or workplace to help him/her back into his/her work.	
Check if the employee is on any medication that may affect his/her performance at work and if so in what way.	
Check whether the employee is likely to need any more time off work for follow up treatment, operations etc.	
Discuss any actions that need to be taken to help prevent a recurrence of the ill-health in the future.	
If you are concerned about the level of absence or there is a pattern of absence, take the employee through his/her absence record. Explain the negative impacts on the business. Agree actions to help improve the situation.	
Ask if the employee considers there was a work-related reason for his/her absence.	
If this is a continuing issue, you may need to inform the employee of the possible consequences if there is no improvement.	
Update the employee on what he/she has missed at work and carry out any handover.	
Summarise any key points and actions.	
Make a note of key points and any agreed actions and get your employee's signature.	

	Tick once done
End the discussion by once more welcoming the employee back to work.	

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## Appendix G

### Examples of work/workplace adjustments

Some examples of work/workplace adjustments are ...

- **Reduced hours of work** – this could be days worked per week or hours per day.
- **Staggered hours** – i.e. different start and finish times, e.g. 10:00 – 18:00 rather than 09:00 – 17:00. This is a way to help avoid the main part of the travel rush hours. This action may be helpful, for example, if the employee has mobility or anxiety problems.
- **More frequent work breaks** – this may be helpful if, for example, the employee is experiencing periods of tiredness as an effect of his/her illness.
- **Home working** – to help avoid the need to travel into work for a time. This is useful, for example, when an employee has mobility problems, experiences anxiety or tiredness.
- **Re-allocation of some work duties** - those that are difficult for the employee to do and it might be possible for other employees to take over. Remember to first discuss the proposed re-allocation of job duties with the other employees concerned.
- **Change of the normal work station location** – for example if an employee is experiencing mobility problems, e.g. climbing stairs, perhaps a temporary work station could be set up on the ground level.
- **Reduction of travel requirements** – if the employee is experiencing mobility problems or tiredness, it might be helpful if the amount of travel could be reduced, e.g. by the use of tele- or video-conferencing.
- **Purchase or hire of equipment** – e.g. a special computer key board for someone experiencing difficulties using his/her hands/arms.
- **Physical change to property** – e.g. installation of a ramp for those with mobility problems.

- **Allocation of a car parking place close to the work building** – for example if it would be helpful for the employee to drive to work for a while or if he/she has mobility problems, then it might be helpful if he/she could be allocated a car parking place near to the work building.

## Appendix H

### Exercise answer: Work/workplace adjustments

Examples of some of the adjustments you might consider in each case are ...

1. **Ali** – as he has limited mobility ...
  - a. Staggering his work hours so that he can avoid the rush hour and more likely get a seat on public transport.
  - b. Allowing home working for the whole or part of the week.
  - c. Finding him a work station on the ground floor if he normally works on a higher floor.
2. **Billy** – to help deal with the periods of tiredness ...
  - a. Allowing him to take more breaks.
  - b. Considering a phased reduction of the hours worked. For example, by allowing Billy to return on a part time basis and build up to the full-time hours. For example, three days instead of five to start with, then four days and finally back to five. Or shorter hours each day, eg half a day, then five hours and back to full hours.
3. **Carol** – to deal with the periods of limited concentration ...
  - a. Trying to arrange the work duties so that those that require more concentration are not grouped together.
  - b. Temporary re-allocation of those duties requiring more concentration to the other accountants (after discussions with them).
4. **Di** – to allow her not to lift heavy weights, which is a small part of the job, until she has recovered ...
  - a. Arrange for her to swap these duties with the other two employees in the department for a short time.
5. **Eli** – the pains in the wrist could be due to poor posture or repetitive movements. This is a case where a medical report and health and safety assessment would be helpful ...
  - a. Varying the tasks that he works on during the day.
  - b. Purchasing a special computer mouse and/or keyboard.



## Appendix I

### Exercise answer: Main differences between managing short-term and long-term sickness absence

#### Short-term sickness absence

- Frequent short-term absences could be a sign of an underlying problem. This may be a more serious health condition or a non-health problem, e.g. family problems. You need to try to find out if this is the case and agree appropriate action with the employee.
- Patterns of absence, e.g. Mondays, could be an indicator of an underlying problem, e.g. conflicts at work, or a conduct issue and should be investigated to try to find out the underlying cause.

#### Long-term sickness absence

- It is even more important in cases of long-term absence to maintain contact with the employee to check his/her progress and help ensure that the employee does not feel excluded from the workplace.
- There is more likely to be a need for a medical report, to find out more about the prognosis, expected date of return to work, whether workplace adjustments are needed etc.
- There is more likely to be a need to develop a return to work plan.
- A phased return to work may need to be arranged.
- You will need to agree with the employee what to tell others about his/her absence.

## Appendix J

### Exercise answer: Disability mini-case study

The organisation should have ...

- spoken to A about the needs arising from his disability and how they could be met
- actively managed and reviewed the situation
- allowed A more time away from the desk so that he could carry out his blood tests – this would be a reasonable adjustment
- taken into account the evidence in the medical report
- considered if any other reasonable adjustments could have been made, for example ...
  - a change in the job duties e.g. more time away from the phones and spent on other suitable duties such as administration work.
  - raising the sickness absence policy triggers for taking formal action, so that if there is disability-related absence, a higher level of absence is needed before a trigger is reached.
- considered suitable alternative employment if the employee was found to no longer be capable of doing the job.

## Feedback

As we are always trying to improve our Useful Guides we would appreciate any feedback you can give us on A Useful Guide to Managing Sickness Absence. Please click on the link below to access our online feedback form ...

[www.pansophix.com/useful-guide-feedback.html](http://www.pansophix.com/useful-guide-feedback.html)

If we use your feedback to improve A Useful Guide to Managing Sickness Absence we will email you a copy of the updated version.

You can access lots of free tips and tools at [247freetips.com](http://247freetips.com).

## About the Author



Janice Lawrence, the author of this Useful Guide and [A Useful Guide to Managing Conduct](#), has been working as a freelance HR Consultant since 2003. She delivers practical solutions which meet the client's specific needs and support the organisation's strategy and culture.

Her areas of specialism include ...

- Training on HR subjects and management skills
- HR policy and procedure development
- Employee communication and consultation.

Before becoming a HR Consultant, Janice was Group Employee Relations Manager for the InterContinental Hotels Group. In this role, she was involved in the development of employee relations strategy, policy and practice. Janice has worked in other large and SME organisations within a number of sectors, including retail, fmcg and finance and in the public and voluntary sectors.

Janice works also as an associate trainer.

Janice has a MSC in Administrative Sciences (majoring in Personnel Management), is a Chartered Fellow of the Chartered Institute of Personnel Management and a Member of the Chartered Management Institute.