Sickness Absence Management

Employee absence is a significant cost to organisations according to research from the CIPD. Their latest employee absence survey revealed that on average sickness absence costs employers £692 per employee every year and employee absence costs employers 7.4 working days for every member of staff per year, this represents 3.3% of working time.

A key element of managing absence effectively is accurate measurement and monitoring, this enables an organisation to assess if it has a problem with absence the extent of that problem and the best way to tackle it.

Types of Absence

There are many reasons for absence but sickness and health problems are by far the largest in most organisations.

- Short-term sickness absence, (uncertified, self certified or covered by a doctor note).
- Long-term sickness absence, (covered by a doctors note).
- Unauthorised absence
- Authorised absence, e.g. annual leave, parental leave etc.
- Compassionate leave

An employee is incapable for work due to sickness when he is not fit to do the work required of him under his contract to the standard set by the employer.
Absence policies

Employers should have in place clear policies on sickness and absence to allow them to manage the process more effectively.

Legislation requires that employers provide staff with information on any terms and conditions relating to incapacity for work due to sickness or injury, including any provision for sick pay.

The policy should:
- Provide details of contractual sick pay, if any, and relationship to Statutory Sick Pay.
- Outline the process employees must follow if taking time off sick, i.e. when how and who they need to notify.
- Include how many days they need to provide a self certificate for
- Outline the trigger points that will start intervention.
- Include at what point they need to provide a medical certificate, (sick note).
- Include that the organisation reserves the right to request medical reports and or medical examinations (with the workers consent).
- Include provision of a return to work interviews, sickness absence reviews and phased return.
- The point at which disciplinary action may be considered.

Managing short term absence

If an employee is repeatedly absent for short periods it is important to intervene as soon as possible once the agreed trigger points have been reached.

Intervention may include
- Return to work interviews
- Absence review meetings
- Disciplinary procedures for unacceptable absence levels

Managing long term absence

If an employee is experiencing long term ill health it is important that the employer takes action early.

Early intervention may include
- Keeping in regular contact with the employee
- Occupational health involvement
- Medical reports
- Consideration of changes to work patterns or roles
- Consideration of the duty to make reasonable adjustments if the absence is a result of a disability.
Return to work interviews

A return to work interview is a meeting that the employer holds with the employee when they return to work after a period of sickness absence.

The aims of the return to work interview are to:
- Ensure the employee is fit to return to work
- Support the employee back into work
- Discuss any reasonable adjustments or support that can be made to allow the employee to return

Absence review meetings

Absence review meetings are not disciplinary meetings. The aims of the absence review meeting are to:
- Establish the reasons for the absence, is it medical or non-medical.
- Explain to the employee the impact the absence is having on the organisation
- Discuss possible ways of reducing absence in the future
- Investigate any reasonable adjustments
- Discuss the possibility of requiring additional information from GP and what this entails
- Inform of possible actions if level of absence is not improved

Return to work plans

Return to work plans should be agreed by both the employer and employee and should include:
- Goals such as changes to hours or job
- Other agreed reasonable adjustments
- A statement about the new working arrangements
- An agreed time period
- The supervision and support that’s in place
- The date at which the plan will be reviewed
- Possible action if agreed plan is not followed.

Data Protection

Employers must be careful not to breach the Data Protection Act 1998 (DPA) when they collect, use and store information about an employees absence. Details of an individuals health is categorised as “sensitive personal data” under the DPA.
Occupational Health Advisers

Occupational health specialists do not have access to the employee’s medical records but can help and advise on developing and implementing a strategy to help individuals return back to work. A report by the CIPD found that referring employees to Occupation health professionals as early as possible was considered the most effective way of managing long term absence.

Contact with GP’s

In accordance with the Medical Reports Act 1998 you must obtain consent from the employee before you can request any medical information from the GP. If the employee does give consent they are entitled to see the report before it is sent to the employer.

Once you have the consent of the employee you should send this to the GP along with a list of questions relating to the absence and details of the role of the employee.

The more information you can provide for the GP the more likely it is that they will be able to make an assessment and comment on the suitability for the role and any reasonable adjustments.

Disability discrimination

The Equality Act 2010 states that if an employee has a disability, you should not treat them less favourably than employees who have no disability.

The Act also places a duty to make reasonable adjustments to enable the employee to undertake the job in circumstances where they would be substantially disadvantaged in comparison with a non-disabled employee.

Examples of reasonable adjustments are:

- Allowing phased return to work
- Changing work patterns and hours
- Arranging home working
- Provide new or modified equipment
- Provide additional training
- Providing alternative work
- Making alterations to work premises
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The adjustment you agree will depend on the requirements of the individual and what steps are reasonable for the employer to take in the circumstances.

In terms of disability, the Act covers physical and mental impairments that have a long-term adverse effect on employee’s ability to carry out normal day to day activities.
**Disciplinary action**

If an employer has exhausted all possibilities and is contemplating dismissing and employee on the grounds of ill health capability they should refer to their disciplinary procedures.

When considering dismissal as part of the disciplinary sanction the Employment Appeals Tribunal has suggested that employers consider the following factors:

- The nature of any illness if applicable
- The likelihood of any further or continued absence
- The length and frequency of absences and the periods of attendance in-between.
- The employees need for the work to be done by a particular employee
- The impact of the absence on other employees
- The adoption and exercise of a fair and consistent absence policy
- Taking account of the employees personal assessment in the ultimate decision
- The extent to which the difficulty of the situation and the position of the employer have been explained to the employee.

**Absence and pregnancy**

Employees should record pregnancy related sickness absence separately from other sickness absence.

An employer who includes absence related to pregnancy in any a redundancy section or for disciplinary purposes could be liable to claims of sex discrimination.

An employee who is absent due to a pregnancy related illness during the 4 week period prior to the due date can be required to start her maternity leave early and will be entitled to maternity pay not sick pay.
Organisations that can advise and help

Voluntary Action Sheffield
The Circle
33 Rockingham Lane
Sheffield S1 4FW
Tel: 0114 253 6600
Website: http://www.vas.org.uk/
VAS provide an HR advice service, contact 0114 253 6633 or email hradvice@vas.org.uk

ACAS
The Cube
123 Albion Street
Leeds LS2 8ER
Tel: 08457 38 37 36
Website: http://www.acas.org.uk/
ACAS deal with queries on almost all employment matters, including the rights and obligations of employment law. The service is free to any individual or organisation.

Health and Safety Executive
http://www.hse.gov.uk/

HM Revenue and Customs
http://www.hmrc.gov.uk/paye/employees/statutory-pay/index.htm

Sheffield Occupational Health Advisory Service
www.sohas.co.uk/index.php

Family of Occupational Medicine
www.facoccmed.ac.uk

NHS occupational health service NHS Plus

EEF Occupational Health Service
www.occupationalhealth-eef.co.uk
INFORMATION SHEETS available from VAS:

Accessible Organisations
Acquiring and Managing Premises
Action Planning
Business Planning
Campaigning and Lobbying
Charitable Incorporated Organisations
Closing Down
Community Interest Companies
Constitutions
Contracts and Procurement
Data Protection
Disciplinary and Grievance Procedures
Due Diligence
Employing a Worker
Equality and Diversity
Guarantee Companies
Handling Redundancies
Health and Safety
Incorporated Charities
Insuring your Organisation
Involving Volunteers
Legal Structures
Management Committees
Monitoring and Evaluation
Parents and Carers at Work
Quality Assurance
Safeguarding Vulnerable People
Sickness Absence Management
Starting Up
Trading and Fund-raising

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