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1. INTRODUCTION

- 1.1 Employees may be absent for a variety of reasons and it is important that employers ensure they are complying with all relevant legislation.
- 1.2 The employer's sickness and absence policy should be detailed in the employees' statement of particulars of employment which refers to a separate Sickness and Absence Policy.
- 1.3 The following is a non-exhaustive list of reasons employees may be absent:
- 1.3.1 Sickness;
 - 1.3.2 Caring for a sick family member;
 - 1.3.3 Carrying out public duties;
 - 1.3.4 Being called for jury duty;
 - 1.3.5 Carrying out statutory duties.
- 1.4 Both employees and employers should be informed of the relevant Sickness and Absence Policy. The employer should provide a copy of the Sickness and Absence Policy to all employees at the beginning of their employment.
- 1.5 Any absence from work should be recorded. This is especially important for long-term absences. Employers should use such records to identify patterns, causes and trends in absence. This information is useful for cover.
- 1.6 The notes below provide guidance on dealing with employee sickness and absence.

Note: When employees return to work after a period of absence, a Return to Work Interview should be conducted. See *Guidance Notes for Employers: Return to Work Interviews and Risk Assessment* for more information on such occasions.

SICKNESS

2. Sickness Procedure

- 2.1 The employers Sickness and Absence Policy should contain information on the notification procedure. For example, employers can specify that employees inform their line manager of their absence.
- 2.1.1 The nature of the absence;
 - 2.1.2 The date the absence started;
 - 2.1.3 The date of expected return to work;
 - 2.1.4 How the employee is being supported, if necessary.
- 2.2 Whilst employers will not want to penalise employees who are genuinely sick, it is also important to have checks in place to ensure that employees do not take advantage of a sick leave scheme. It is sensible to require employees to provide evidence of their illness.

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2.3 The Sickness and
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2.4 A 'fit note' gives GPs
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adjustments to help t
should explain the re
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the employee is fit to do at work
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k, altered hours, amended duties
to discuss the advice on the fit
omments made by the doctor in
n any other action that could help
oyler is not able to make any
ork, the employee's line manager
se and set a date for review. The
the doctor had advised 'not fit for

2.5 Where employees' s
SC2 or the Employe

they can use the statutory Form
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2.6 Employers should
employers to identifi
It will also help emp
level and cross refer

employees' absences. This will help
arrange cover where necessary.
lea of each employee's sickness
ees' annual sickness levels.

2.7 Employers should be
to be sensitive pers
abiding by the Data P

sick leave records are considered
employers must ensure they are

2.8 Employers may find
effective strategy
absence trigger is a
prompts a formal p
manager looks furth
absence trigger syste
patterns or issues w
improve attendance
process does not
attendance levels, it
justify a fair dismissa

absence triggers in devising an
yee sickness absence. An
ss absence that, once reached,
ne manager or another senior
vel of sickness absence. Having
t line managers can discuss any
n the aim of supporting them to
nt that the absence management
mprovement in the employee's
ss that may later be needed to

3. **Short-term Sickness**

3.1 There is no legal gu
sickness absence b
Clinical Excellence
fewer than 20 days.
term absence will va
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stitutes a high level of short-term
ational Institute for Health and
ness is absence which lasts for
definition of a high level of short-
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much higher than the Company

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average and the opportunity should also look for absences on Mondays and Fridays or around holidays.

absence from work. Employers should also look for a pattern of absences on Mondays and

3.2 In situations where absences are frequent, employers may arrange for a medical certificate for each period of absence and refer the employee to an Occupational Health Nurse.

to how genuine the sickness is, employers should ask the employee and request a medical certificate. Employers may also consider referring the

3.3 If it is found that the employee is abusing sick leave, the employer should consider:

to working practices the employer should consider:

3.3.1 Making a temporary arrangement, such as reducing their hours of work.

employee's contract, for example temporary transfer to another

3.3.2 Making reasonable adjustments to the employee's work.

position; or

3.3.3 Offering the employee a temporary transfer to another position; or

position; or

3.3.4 Early retirement.

health where appropriate.

3.4 If it is found that there is no evidence that the sickness is genuine, the employer should warn the employee that a continued absence may lead to disciplinary action in accordance with the Employer's Disciplinary Procedure.

acceptable, for example there is evidence that the sickness is genuine, the employer should warn the employee that a continued absence may lead to disciplinary action in accordance with the Employer's Disciplinary Policy and Procedure.

3.5 Return to work interviews should be held for employees where there are repeated short absences as it provides an opportunity for employees to discuss any underlying issues.

where there are repeated short absences, employers should hold return to work interviews for employees to discuss any underlying issues.

4. Long-term Sickness

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4.1 According to the NICE guidelines, long-term sickness is generally absence which lasts for 20 days or more. Employers should refer long-term sickness absence to another specialist. It is important to quickly establish the employee's ability to return to work.

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4.2 It is important that employees on long-term sick leave do not feel detached from their employment. Employers should maintain regular contact with employees. Employers should be cautious that the contact does not make the employee feel pressured to return to work. When contacting employees on long-term sick leave, employers should:

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4.2.1 There should be a focus on the employee's health and well being and, only where appropriate, the employee's return to work.

focus on the employee's health and well being and, only where appropriate, the employee's return to work.

4.2.2 A suitable time for contact should be agreed; and

contact should be agreed; and

4.2.3 A record should be kept of all contact.

A record should be kept of all contact.

4.3 There are several strategies that employers can take to facilitate an employee's return to work, including: providing flexible working arrangements, redesigning or reorganising a job role, or providing additional support.

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4.4 Sometimes a home visit by a health professional can be done if welcomed by the employee.

Home visits can be appropriate where, for example, the employee's health is deteriorating with time. Such visits must only be used to discuss:

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4.4.1 The employee

4.4.2 Review any s

4.4.3 The employee

4.5 Contact during an er
to work plan with th
period of absence
employee is not pres
used to co-ordinate
necessary measures

4.6 Once an employee h
the employer should
obtain a medical r
Occupational Health
be of more help as
light of the employee

4.7 Once the report has
Any options for help
It may be appropriat
their existing role (p
condition fall within th

Should the medical a
their role, the empl
available within the
employer will probab

uld be provided; and

progressing.

help employers to agree a return
d not be done too soon into the
e exercised to ensure that the
work, rather the contact should be
process by putting in place any

sickness for three to four weeks,
consent to enable the employer to
m the employee's G.P but an
onal Health Provider will probably
mployee's medical condition in the
e job description.

be discussed with the employee.
rn to work should be considered.
adjustments that can be made to
legal requirement if the medical
ility Act (see below)).

ee cannot continue to undertake
y alternative roles that may be
alternatives can be found, the
missal on capability grounds.

5. **Sickness and Dismissal**

5.1 When an employee
matter may become
Disciplinary Policy a
obligation to act fairl
*Procedure and Guide
Policy and Dismissal*

5.2 In cases of genuine
should always be ta
health, and disciplin
advice as to the natu

5.3 There are several st
work, such as flexib
role, or a phased retu

5.4 Caution should be ta
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adjustments so the
made the employer
take legal advice if
under the Equality A

5.5 When deciding whe
employers should no

ed or unconvincing reasons, the
in such cases the employers
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ases. See *Disciplinary Policy and
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uld always be a last resort. Care
dismissing an employee with ill
be taken without seeking medical
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obligation to make reasonable
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absence record is unacceptable,
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6. Equality Act

6.1 When handling sick leave, employers should be aware of the requirements of the Equality Act 2010. This legislation makes discrimination against disabled people unlawful. It is likely that a condition which causes long-term sickness absence will fall under the requirements of the Act. However, the Equality Act may also apply to cases where a high level of absence is due to an underlying condition.

Employers should be aware of the requirements of the Equality Act 2010. This legislation makes discrimination against disabled people unlawful. It is likely that a condition which causes long-term sickness absence will fall under the requirements of the Act. However, the Equality Act may also apply to cases where a high level of absence is due to an underlying condition.

6.2 In broad terms, the Equality Act 2010 defines a disability as a long-term physical or mental impairment, which has a substantial and adverse effect upon an individual's ability to carry out normal day-to-day activities. For example, it is likely that an individual would be considered disabled if they should they have a substantial impairment relating to:

In broad terms, the Equality Act 2010 defines a disability as a long-term physical or mental impairment, which has a substantial and adverse effect upon an individual's ability to carry out normal day-to-day activities. For example, it is likely that an individual would be considered disabled if they should they have a substantial impairment relating to:

- 6.2.1 Speech;
- 6.2.2 Hearing;
- 6.2.3 Eyesight (not including sight which is corrected with glasses);
- 6.2.4 Mobility;
- 6.2.5 Manual dexterity;
- 6.2.6 Physical co-ordination;
- 6.2.7 Ability to lift or carry out heavy or prolonged work;
- 6.2.8 Memory or concentration;
- 6.2.9 Other chronic conditions such as HIV, MS or recurrent clinical depression and other mental health conditions which are diagnosed from the moment they are diagnosed.

including sight which is corrected with glasses);
Ability to lift or carry out heavy or prolonged work;

6.3 Where an employee is disabled, the employer is under a legal obligation to consider 'reasonable adjustments' to enable the disabled person to work. Reasonable adjustments vary depending on the disability and the requirements of the job. For example, they may include:

recurrent clinical depression and other mental health conditions which are diagnosed from the moment they are diagnosed.
Where an employee is disabled, the employer is under a legal obligation to consider 'reasonable adjustments' to enable the disabled person to work. Reasonable adjustments vary depending on the disability and the requirements of the job. For example, they may include:

- 6.3.1 Adjustments to the workplace;
- 6.3.2 Reallocation of duties;
- 6.3.3 Altering working hours;
- 6.3.4 Allowing absence for medical appointments, retraining; and
- 6.3.5 Providing specialist equipment.

retraining; and

6.4 The cost to the business of making an adjustment is not a factor in determining whether an adjustment is reasonable or not and the employer is not required to obtain grants to help fund, for instance, the provision of specialist equipment.

determining whether an adjustment is reasonable or not and the employer is not required to obtain grants to help fund, for instance, the provision of specialist equipment.

SICK PAY

7. Statutory Sick Pay (“SSP”)

- 7.1 The current weekly SSP rate is £109.00 per week (from 6 April 2022). For more information on relevant government websites such as HMRC and GOV.UK, please refer to the National Insurance contributions and tax where earnings are below the lower earnings limit due to payments on top of SSP.
- 7.2 In order to qualify for SSP, an employee must:
- 7.2.1 Be employed by the employer on the day that the employee becomes sick;
 - 7.2.2 Notify the employer of the sickness within the time limits set out in their company’s Sick Leave Policy;
 - 7.2.3 Be sick for four consecutive days, this includes bank holidays and weekends; and
 - 7.2.4 Have average weekly earnings equal to or more than the lower earnings limit. For more information on government websites such as HMRC and GOV.UK, please refer to the current lower earnings limit.
- SSP does not cover any days before the employer is notified that the employee is sick.
- 7.3 If an employee is sick for more than seven days, they can fill in a self-certificate, statutory Form SC2. If the employee is sick for over seven days employers can request medical evidence. If the employee does not provide evidence, payment of SSP will stop.
- 7.4 There are various reasons why an employer will not pay or will stop paying SSP and in such cases the employee must fill out the Form SSP1 in order to support the employee’s claim for Employment and Support Allowance. *Forms SSP1 and SC2 are available in the Employment Documents Folder and the Sick Leave Policy.*
- 7.4.1 Employers must stop paying SSP or have ended payment, to the employee if:
 - 7.4.1.1 The employee has not provided the required evidence to support their claim for SSP or have ended payment, to do this;
 - 7.4.1.2 The employee is not entitled to SSP but has been paid SSP for at least four days in a row. In such cases, the employee should be given to the employee as soon as possible so they can claim Employment and Support Allowance.
 - 7.4.1.3 The employee will be off for over 28 weeks. The employee can claim SSP up to six weeks earlier to ensure they can claim Employment and Support Allowance as soon as possible.
 - 7.4.2 Where a period of sickness is linked to a previous period of sickness, the periods are linked and count as one for the purposes of SSP.
 - 7.4.3 Employers can stop paying SSP if:
 - 7.4.3.1 The employee has been sick after SSP has been paid for more than 28 weeks.
 - 7.4.3.2 The employee has had linked periods of sickness that total more than 28 weeks in any 52 week period (one year). This is the case even if the employee has not been paid a total of 28 weeks.

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7.4.4 Agency work
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7.4.5 The employe
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Documents F

n to record details of all SSP
employer can do this using Form
keep their own records. SSP
ears after the end of the tax year
available in the *Free Employment
nd Absence subfolder*.

8. Company Sick Pay

8.1 Employers who have
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ch pays a sum equal to or more
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8.2 Details of such sch
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OTHER ABSENCES

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9. Jury Service

9.1 Employers must a
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off for jury service. However,
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10. Public Duties

10.1 Employees are entit
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public duties, for example where
governor etc.

10.2 Qualifying employee
carry out their duties

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10.3 Any time off must be
such requests if they

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10.3.1 What the emp

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10.4 Employers are not u
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11. Time off for Dependants (E

11.1 A dependant is some
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11.2 Employees are entitled to deal with emergencies that involve a dependant on the employer to pay the employee for time of

to deal with emergencies that involve a dependant on the employer to pay the

11.3 Employees should be allowed to deal with the emergency and make any neces

time off to deal with the emergency

11.4 There should be no payment for dependants; however, if in the opinion of the employer it is more than the business can cope with, the emplo

times employees take time off for dependants should be for genuine emergencies. If it is more than the business can cope with, the employer should consider this.

12. **Trade union duties**

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12.1 Employers must allow employees time off to carry out trade union duties and activities. For such duties, unless otherwise stated in the contract of employment, the amount of time off must be reasonable. In all cases the amount of time off must be reasonable.

time off to carry out trade union duties and activities. For such duties, unless otherwise stated in the contract of employment, the amount of time off must be reasonable. In all cases the amount of time off must be reasonable.

13. **Special Cases**

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13.1 Employers are not required to allow employees time off to visit the doctor or dentist unless it is a special case of employment. The amount of time off must be reasonable. Employees may request that their employer make such arrangements as to work hours or make time up etc.

employees time off to visit the doctor or dentist unless it is a special case of employment. The amount of time off must be reasonable. Employees may request that their employer make such arrangements as to work hours or make time up etc.

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