

Guidelines – Managing Sickness Absence

Introduction

Cambridge HR Solutions provides advice and guidance to organisations big and small in the private, public and third sectors on all HR matters.

These guidelines¹ are presented to help managers navigate the sometimes complex world of HR.

Managing Sickness Absence

This is frequently the most difficult employee relations issue facing managers, often because they feel **out of control** – they are subject to the employee’s unilateral decision to be absent from work, supported by a doctor’s certificate and intimidated by a sense that employment law favours the employee over the employer.

The purpose of these guidelines is to demystify the subject of sickness absence, and describe the practical and legally compliant steps you can take to reduce absenteeism.

1. Take Control

Gather information – record the dates your employees are absent:

Employee	Dates of Absence			Date Notification Received	How Notified				To Whom Notified	Reasons for Absence	Certificated	No. of Sick Pay Days	
	From	To	No. of Days		Phone	Email	SMS	Letter				Company	SSP

Ensure compliance – ensure employees are complying with your company’s procedure for reporting sickness absence, and where they do not, apply sanctions where this allows, for example withholding company sick pay.

Communicate – ensure employees are aware you are monitoring their absence by undertaking home visits (where appropriate) and maintaining regular contact by email, SMS or the phone.

2. Take Action

In all circumstances you must act **reasonably and fairly**, and in **compliance** with your HR policies and procedures. If they are silent on the matter you should develop a policy and procedure for managing sickness absence, and as a minimum, observe the ACAS [code of conduct](#).

¹ These are for information only. We therefore regret that we cannot be responsible for any loss you may suffer as a result of any omission or inaccuracy, and we encourage you to seek advice accordingly.

If you believe the level of sickness absence is unreasonable and/or unjustified you should inform the employee in writing you are invoking your company's **disciplinary procedure** and undertake a formal investigation. The disciplinary procedure should include a provision for taking action for unreasonable absence.

You may invoke the disciplinary procedure at any time you believe is reasonable, even when the employee is still absent - you don't have to wait for them to return to work.

However, must comply with the **letter and spirit** of your procedures, including their right of appeal and to be accompanied at meetings and presented with all information.

3. Sanctions

You may apply any sanctions allowed under your disciplinary procedure, which may for example include demotion, change in working hours, withdrawal of sick pay, and dismissal etc.

UK employment law allows an employer to **fairly dismiss** an employee on grounds of capability (performance) and conduct (behaviour). In cases of ill health you must prove a link between absence or diminished ability (through ill health) and an employee's capability to perform fully their duties and responsibilities.

An employee's behaviour whilst on sick leave may also be a reason to invoke the disciplinary procedure. For example they might be observed playing rugby whilst off with a bad back.

4. Other Considerations - Disability

What do you do if your employee claims h/she has become disabled? They can only be determined disabled under the [Equality Act 2010](#) if they have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on their ability to do normal daily activities:

- **'substantial'** is more than minor or trivial – e.g. it takes much longer than it usually would to complete a daily task like getting dressed.
- **'long-term'** means 12 months or more - e.g. a breathing condition that develops as a result of a lung infection

Under these circumstances you must make 'reasonable adjustments' for your employee so that they are not disadvantaged compared to non-disabled people.

This could include:

- A phased return to work – e.g. working flexible hours or part-time.
- Time-off for medical treatment or counselling.
- Giving another employee tasks the disable person can't easily do.
- Providing practical aids and technical equipment for them.

You cannot dismiss an employee just because they have become disabled. However, you can dismiss them if their disability means they can't do their job even with reasonable adjustments.

For more information, or if you have any questions, do please drop us an [email](#).