ESSENTIAL GUIDE TO MANAGING SICKNESS ABSENCE

Employee absence is a significant cost to business. The CIPD annual survey for 2014 identifies that the average number of working days lost per employee is 6.6 days and the total cost to the economy is around £29 Billion.

Effective absence management involves finding a balance between providing support to help employees with health problems stay in and return to work, and taking consistent and firm action against employees who may try to take advantage of a company's sick pay schemes.

Types of absence

Sickness absence can be identified as

- •short-term sickness absence

- •long-term sickness absence

2014 CIPD survey identified the following causes for sickness absence for manual and non manual workers:

Manual	Non-Manual
Minor illness (includes colds, flu, stomach upsets and headaches)	Minor illness (includes colds, flu, stomach upsets and headaches)
Musculoskeletal injuries	Stress
Stress	Mental ill health (for example clinical depression and anxiety)
Back pain	Musculoskeletal injuries
Mental ill health (for example clinical depression and anxiety)	Back pain
Home/family responsibilities	Acute medical conditions (for example stroke, heart attack and cancer)

Accurate measurement and monitoring, identifying trends and then exploring underlying causes are key elements in effective absence management policies.

How to measure time lost through sickness absence

Using a measure of sickness absence can help you easily monitor employee absence and can help identify a suitable trigger for action at particular levels of absence. You can measure lost time in a number of ways:

'Lost time' rate: This measure expresses the percentage of total time available which has been lost due to absence. It can be calculated separately for different departments to identify areas of concern.

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Total absence (hours or days) in the period x 100
Possible total (hours or days) in the period

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Frequency rate: This measure shows the average number of absences per employee expressed as a percentage. It gives no indication of the length of each absence period or any indication of employees who take more than one spell of absence.

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No of spells of absence in the period x 100
No of employees

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The calculation gives an individual frequency rate by counting the number of employees who take at least one spell of absence in the period, rather than the total number of spells of absence.

Bradford Factor: This is a simple formula that allows companies to apply a relative weighting to employee absence. The Bradford Factor supports the principal that repeat absences have a greater operational impact than long term sick. It is calculated using the formula:

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S x S x D = B

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- ➢ S = the total number of separate absences by an individual on 52 weeks
- ➢ D = the total number of days of absence of that individual in 52 weeks
- ➢ B = the Bradford Factor score

Examples:

- ➢ 10 one-day absences: 10 x 10 x 10 = 1,000
- ➢ 1 ten-day absence: 1 x 1 x 10 = 10
- ➢ 5 two-day absences: 5 x 5 x 10 = 250
- ➢ 2 five-day absences: 2 x 2 x 10 = 40

Keeping records

You should keep thorough records so that any trends of absence can be identified. For example, do some employees have a tendency to be 'ill' on Fridays or Mondays or are there other patterns emerging? It can be useful to keep records on a chart that shows visually any patterns of absence, so that they can easily be identified.

Using absence records you can indentify trigger points and set out the details of these company trigger points to prompt managers to take action when necessary, e.g. self-certified absences exceeding six days in a 12-month period, absences falling regularly on specific days or absences exceeding seven days in a 6-month period. You should be aware that you will need to make provision for trigger points to be adjusted in some circumstances, e.g. in relation to disabled or pregnant employees

What absence policies need to contain

You should have a clear policy that supports your business objectives and culture, and explains the rights and obligations of employees when absent due to sickness. The law requires employers to 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. Communicate the policy clearly to your employees.

The policy should:

- provide details of contractual sick pay terms and its relationship with statutory sick pay
- explain when and who employees should notify if they are not able to attend work
  - It is normal for employees to be required to report their absence within one hour of their usual starting time. It is good practice to be flexible about this if there are valid reasons for the employee failing to report within this timeframe, ie if the employee is seriously ill or unable to access a telephone for some reason, such as due to being in hospital.
- include when (after how many days) employees need to fill in a self-certificate form
- contain details of when employees need to provide a fit note from their doctor
  - Usually after 7 days absence
- outline how sickness absence will be monitored , for example, by setting the expectation of return to work discussions; what trigger points will be used
- say that the organisation reserves the right to require employees to attend an examination by a company doctor and (with the individual's consent) to request a report from the employee's doctor
- include provisions for return-to-work interviews
- explain that adjustments may be appropriate to assist the employee in returning to work as soon as is practicable
- give guidance on absence during major or adverse events (for example, snow, pandemics etc)

Managing short-term absence

Holding informal back to work discussions for every incident of sickness absence is good practice and can underpin your policy by ensuring that all employees have the same expectation of how absence is monitored and managed in the company. They can help identify short-term absence problems at

an early stage. They also provide managers with an opportunity to start a dialogue about underlying issues which might be causing the absence.

Other ways to manage short term absences can include:

- return-to-work interviews
- use of trigger mechanisms such as the Bradford Factor to review attendance
- disciplinary procedures for unacceptable absence levels
- restricting sick pay
- giving sickness absence information to line managers
- involving trained line managers in absence management
- involving occupational health professionals
- providing leave for family circumstances
- flexible working.

Disciplinary procedures for unacceptable absence should make it clear to staff that unjustified absence will not be tolerated and that absence policies will be enforced.

Fit notes

If an employee is off work through sickness for 7 days or more then they must produce a 'fit note' . When completing a fit note a doctor has the choice between two options:

- not fit for work
- may be fit for work.

If the doctor selects 'may be fit for work', one of the following four options also has to be selected:

- phased return to work
- amended duties
- altered hours
- workplace adaptations.

The doctor then has the option to make any additional comments.

Employees can return to work before a fit note comes to an end, if they feel well enough. They do not need to return to the doctor to be told that they are fit for work. If you have any concerns about the ability of employees to return to work you can ask them for permission to contact their doctor or ask them to attend an assessment with a company doctor. It might be appropriate to make adjustments to the work to allow the employee to return to work.

Employers should arrange to meet with an employee who is assessed as 'may be fit for work' to discuss appropriate ways to manage the return to work process.

 If an employee has been off work for four weeks or more, the employer can refer them to Fit for Work (see below and Useful contacts) for a free and voluntary assessment by an occupational health professional who will help create a return to work plan to suit their particular needs. This plan can replace the need for a fit note.

Managing long-term absence

Managing long term absence is more complex and will require planning to support the employee to get back to work. It is important to understand the nature of the illness, the likely length of the illness and the likelihood of them returning to work. At the point of returning to work you may need to consider making adjustments to aid a phased return to work. There are five typical elements in the recovery and return-to-work process for long term absence:

- keeping in contact with sick employees
- planning and undertaking workplace controls or adjustments eg changing work patterns, phased return plans, making physical adjustments to the work space, providing more rest breaks etc
- using professional advice and treatment – engaging an occupational health service can be very useful in these circumstances and will advise on rehabilitating plans.

In cases where the nature of the illness means that the employee will never be able to return to work or never be able to return to the job which they previously did then you will need to discuss alternative arrangements including any company incapacity benefit, capability procedures, pension arrangements if applicable, and take further HR advice.

Fit For Work Service

In response to a major review of the sickness absence system in Great Britain the Government has implemented a new occupational health referral service called Fit for Work (see Useful contacts) across England and Wales to help employers tackle long-term absence from work. The service enables employers and their employees to receive bespoke, independent advice in cases of sickness absence lasting more than four weeks. Employees can be referred by their employer or GP but are currently unable to self-refer. Fit for Work has a website with an advice on work-related health issues as well as a helpline and information about the referral process. A similar service operates in Scotland.

http://fitforwork.org/

Requesting medical records

Medical records are confidential. It is unlawful and a breach of the Data Protection Act 1998 to seek an opinion from a medical practitioner, or the employee's own GP, without the written permission of your employee.

Your employee may refuse to give such permission as they may be uncomfortable with you seeing their medical records. It might be appropriate to ask your employee to attend a medical examination with a company doctor or independent medical expert, particularly if it is not clear whether the employee is well enough to continue in a current role.

If an independent medical examination is required, it is good practice to explain to the employee the purpose of the medical examination and to clearly explain who will have access to the report. Let the employee know about the support and communication they will receive during this process and tell them that this process could be lengthy and remain inconclusive even after a full report has been received.

You should explain that such a report could help towards outlining any further support and reasonable adjustments that your company could make to help the employee return to work or ultimately to improve their health and wellbeing in the long term.

Disability discrimination

 The management of employees who become disabled may mean employers have to make 'reasonable adjustments' as dictated by the disability discrimination provisions of the Equality Act 2010 before they can return to their job. Employers should be aware that physical and mental conditions such as stress might be covered under this legislation.

Frequently Asked Questions: Sickness Absence Management

Q What role do line managers play in sickness absence management?

Line managers have an important role to play in the management of absence. Managers need good communication skills and the ability to create a trusting culture where employees feel able to flag issues at an early stage. If line managers can spot early warning signs of potential problems, employees can be given appropriate support or advice before matters escalate. However, our surveys show that just over half of organisations train their line managers in the skills needed to do this effectively, and less than one third provide tailored support for line managers, for example by online support or a care conference with HR.

Line managers need to be trained in:

- the organisation's absence policies and procedures
- their role in the absence management process
- the way fit notes operate and how to act upon any advice given by the doctor
- the legal and disciplinary aspects of absence, including potential disability discrimination issues
- maintaining absence record-keeping and understanding facts and figures on absence
- the role of occupational health services and proactive measures to support staff health and wellbeing
- the management of complex cases, in particular 'myth-busting' about what they can, and cannot, do
- the operation (where applicable) of trigger points
- the development of return-to-work interview skills
- the capabilities and confidence needed to raise and discuss potential issues, including those related to more complex or sensitive problems.

Q Can employees be contacted by the company when they are off sick?

It is good practice to keep in touch with the employee during a period of absence in order to:

- Remind the employee that your organisation cares about their health and welfare and wants them to return to work.
- Keep your employee aware of any changes or events that are taking place so that their return to work is as smooth as possible.
- Maintain discussion about the possible date of return to work.
- Identify as early as possible if there will be a need to consider any adjustments to work to allow your employee to return.

It is important to ensure that the employee is not contacted with work-related queries, unless there are exceptional circumstances and the employee is well enough to address the query.

Some employees may request to have no contact whilst off sick. If this request does arise, you may need to consider the reasons behind it. It may be better for another manager or other intermediary, such as a colleague or union representative, to be contacting the absent employee. If an employee refuses to keep in contact, you are unlikely to be able to anticipate reasonable adjustments that could be made to help the employee return to work. It is important to ensure that you have made all reasonable efforts to communicate with them.

Q What happens if we can't meet the adjustments suggested by a doctor for a phased return?

Where an employee has been judged fit to work but with an alteration to duties, a phased return to work, altered hours or workplace alterations, the employee should discuss these adjustments with you. If it is not possible to make the suggested alterations, this should be explained to the employee, and the employee should remain absent on sick leave until it is possible to make the alterations or until the alterations are no longer required.

Q What information can I keep on an employee's sickness?

Employers must be careful not to breach the Data Protection Act 1998 (DPA) when they collect, use and store information about their employees' absence. Details of an employee's health, either physical or mental, are categorised as 'sensitive personal data' under the DPA.

Q If I reorganise/ make redundancies do I have to leave out employees who are on long term sickness absence?

You are able to reorganise and restructure should that be necessary for the organisation and you are able to include employees who may be on long term sick leave. You must not however make employees redundant **because** they are sick. You must have a business reason to support their selection for redundancy.