Absence Management – Questions and Answers for Managers

The Council’s procedure for Absence Management and Sickness Reporting details the process by which absence will be managed. The following questions and answers are intended to provide further support to managers in managing absence.

1. **What should I do when an employee calls in sick?**

You should discuss the cause and likely duration of the absence, treating the matter sensitively and confidentially. Discuss any work related issues that will need to be progressed in the employee’s absence and ensure that colleagues will be able to access folders, etc.

Provide clear instructions as to when and how you expect the employee to maintain contact during their absence, particularly if this is likely to be prolonged. For example, if the employee is due to be absent for just a couple of days, no further contact is likely to be necessary after the initial notification. If the absence will be longer, regular contact each week may be appropriate. If at any time the employee’s absence is extended beyond the last notified date, the employee should contact you to update you.

You should also ensure that the employee is aware of the requirement to provide a certificate to cover their absence and you should keep confidential notes of your discussions.

Record the absence on TOPS via MyView to ensure that absence reporting information and payroll records are accurate and pass any fit notes on promptly to the HR Business Centre.

2. **What should I do if the employee tells me their absence is due to stress?**

You should refer an employee whose absence is due to work related stress to the Occupational Health Service via MyView for further advice. Where possible discuss the cause of the stress with the employee/Occupational Health Service and establish if there are any immediate or longer term actions you can take to alleviate the stress.

Where the stress is related to personal circumstances, such as bereavement or relationship breakdown, a referral to Occupational Health may still be made but this is not essential if the employee is receiving support through their own GP.

You should also make them aware of the Employee Assistance Programme which is available 24/7, 365 days a year. You can access the Employee Assistance Programme at [http://www.workplaceoptions.co.uk/index.asp](http://www.workplaceoptions.co.uk/index.asp). You will need to obtain the unique username and password from the HR Business Centre.

3. **What should I do if the employee has met or exceeded the Council’s sickness absence target?**

The HR Service will inform you when an employee has met or exceeded the Council’s sickness absence target. Reports are provided on a monthly basis.

Where absences are attributable to reasons related to the employee’s disability consideration should be given as to whether it would be reasonable to make an adjustment to the Council’s procedure (including trigger points and formal stages of the procedure) and advice in each case should be sought form HR.
You should invite the employee to a First Stage Review and consider referring the employee to the Occupational Health Service for further advice. It may be appropriate to take no action, due to the circumstances of a particular case, but this will require the approval of your Deputy Director/Head Teacher.

You may make a referral to Occupational Health at any time if you are concerned by an employee’s absence.

4. **What should I do if the employee remains off sick longer than expected?**

Do make contact with the employee if they have not returned to work when expected or they have not updated you on their situation. The employee is responsible for keeping you informed and for providing the appropriate certificates for all periods of absence. When you have made contact, agree when and how regularly you expect the employee to maintain further contact during their absence.

You may make a referral to Occupational Health at any time if you are concerned by the length of absence.

5. **Can I insist that an employee tells me why they are off sick?**

An employee may be reluctant to share personal and sensitive information with you but you need sufficient information to understand the reason for the absence and likely duration. A sensitive approach is needed but it is important to understand if the absence is:

- stress related in order that you may make an immediate referral to Occupational Health and address the cause promptly;
- related to a disability or a potential disability in order that you may make any reasonable adjustments to the workplace in order to support the employee’s return and continued working;
- likely to be prolonged or lead to further absences in future.

6. **What should I do if the absence relates to a disability?**

Once you are aware of an employee’s disability (or potential disability) you must take appropriate action to manage the situation in accordance with the requirements of the Equalities Act. An employee’s disability does not prevent us from reviewing the impact of their level of absence on the service and taking appropriate. However, where absences are attributable to reasons related to the employee’s disability, consideration should be given as to whether it would be reasonable to make an adjustment to the Councils procedure (including trigger points and formal stages of the procedure) or consider making reasonable adjustments to assist the employee to return to work and advice in each case should be sought form HR. Contact your HR Adviser for further advice and make a prompt referral to the Occupational Health Service.

The Council is committed to making every effort to ensure that staff who become disabled remain in employment with the Council. Practical advice may be sought from the Access to Work Programme.

7. **I've discussed the employee's absence and am satisfied that no further action is necessary. Is it okay to do nothing?**
You must always hold a return to work review and, if after this discussion, you feel that no further action is necessary this is acceptable provided the employee’s absence has not met or exceeded the Council’s sickness absence target.

Where the employee’s absence has met or exceeded the Council’s sickness absence target you should invite the employee to a First Stage Review and, as a minimum, establish a support programme and monitoring period of at least 6 months. It may be appropriate to take no action, due to the circumstances of a particular case, but this will require the approval of your Deputy Director/Head Teacher.

8. If I do a return to work interview, do I have to do a formal First Stage Review as well?

Where the employee’s absence does not meet or exceed the Council’s sickness absence target it will normally be appropriate to just hold a return to work interview. Where the employee’s absence has met or exceeded the Council’s sickness absence target, however, you should invite the employee to a First Stage Review and this may take the place of a return to work review.

9. How should I record the outcome of a First Stage/Reconvened Review Meeting?

You should record the outcome of the sickness review on MyView via Manager Forms. If the outcome of the meeting is no further action or a formal monitoring period then the MyView form will suffice. If the outcome of the Review is to put a formal caution or formal notification period in place then a letter should also be sent to the employee explaining this. A template letter can be found on Bexweb – HR Information– Managers Guide.

10. At what point do I escalate action under the procedure?

Where an employee is currently under caution/formal review period you may escalate to the next step in the procedure if there is a further period of absence which means that the targets for improvement that have been set will not be met, or no reasonable improvement has been made at an earlier stage. You do not have to wait until the end of a monitoring/cautionary period to escalate matters if the absence does not improve. Once issued, an employee remains under caution for the duration of that caution, regardless of whether or not they have returned to work or had any further periods of absence.

You may escalate to the next step in the procedure if medical advice changes, or if Occupational Health advice indicates that the employee can no longer carry out their current duties and should not return to their existing post, or that they will not be able to return to work within a reasonable period or sustain regular attendance.

Only employees who have been issued a caution or formal notification period under a first stage review may be escalated to the final stage. You should re-convene the first stage to explain that the case will be escalated and why. HR Adviser will be able to advise you further.

11. A member of staff is seriously ill, can I just manage this informally?

It is important to manage the absence under the formal procedure, albeit with care and sensitivity. Arrangements can be made for meetings to be held at home or, subject to the employee’s agreement, over the phone if necessary. You should discuss any support that may be available and agree when and how to maintain regular contact.

Occupational Health advice will assist you in fully understanding the prognosis and a decision may be made as to whether pension benefits for ill-health retirement may be released (if applicable). Ill-health pension benefits may only be released under the final, formal stage of the Procedure. Depending upon the circumstances/prognosis it may be appropriate to escalate to the final stage of the procedure, even if the employee has not been subject to an earlier review.
Your HR Adviser will be able to advise you further.

12. **What should I do if I cannot make contact with an absent member of staff?**

It may be appropriate to contact the employee's next of kin once other reasonable steps have been taken — e.g. contact by phone and possibly a home visit if this is feasible/appropriate. How soon you contact next of kin will largely depend upon the circumstances of the case.

If no contact is achieved you should write to the employee and, if necessary, proceed to a final absence review in the employee’s absence. Your HR contact will be able to advise you further.

13. **What can I do if an employee persistently fails to follow the reporting/certification arrangements?**

The procedure is very clear as to the employee’s responsibilities to report and certificate sickness absence. Failure to follow the Procedure may be dealt with under the Council’s Disciplinary Procedure and the employee should be cautioned to this effect.

14. **If I have not yet received a fit note, should I still record the sickness absence anyway?**

Yes, it is important that records are up-to-date in order that the correct payments are made to the employee. You should follow-up any missing certificates with the employee promptly.

15. **What happens if an employee is unable to attend an Occupational Health referral due to their medical condition?**

In exceptional circumstances the Occupational Health adviser will be able to attend an alternative venue, should this be necessary, or they may communicate with the employee’s medical advisers without the need to see the employee in person. Your HR Adviser will be able to advise you further.

16. **What happens if an employee fails to attend an Occupational Health referral?**

You should contact the employee and stress the importance of attendance and make another referral. Where non-attendance is due to the particular medical condition please see Question 14 (above). In other circumstances, it may be appropriate for you to manage non-attendance under the Council’s Disciplinary Procedure.

17. **What should I do if the employee has returned to work but I don’t think they are well enough?**

Any doubts about an employee’s fitness to return to work should be discussed at the return to work review. A fit note should be provided to confirm that they are fit to return.

Should you consider that the employee is not fit to return (even if the employee’s doctor advises otherwise) you may, in exceptional circumstances, tell the employee to remain off sick and make an immediate referral to the Occupational Health Service. The employee will continue to receive sick pay entitlements (if applicable) in accordance with contractual entitlements.
If Occupational Health indicates that the employee had been fit to return, normal pay will be re-instatned and back dated. If the Occupational Health Service recommends that the employee should remain absent, you should advise the employee and confirm that sick pay will continue (if applicable). You should agree a period of time for further recovery and a further referral to Occupational Health.

18. **What can I do if the employee remains absent but I think they are well enough to return?**

You should refer the employee to the Occupational Health Service. If you are advised that the employee is fit to return to work, even if this is contrary to the employee’s own medical advice, you may instruct the employee to return. It may be advisable to obtain a third medical opinion first. Your HR Adviser will be able to advise you.

19. **What if an employee says that they are sick but can work from home?**

In these circumstances it is for the manager to decide if the employee should be recorded as sick or not. Where there are clear benefits to the service and the individual in working from home, and the employee is producing sufficient output, the manager may decide that the employee should not be recorded as sick. Whether this will be acceptable will depend upon a number of factors including the employee’s role, the impact on service delivery, the regularity of such occurrences, the impact on other team members and the nature of the absence.

20. **When is it right to issue a formal caution, a formal notification period or just establish a monitoring period?**

This will depend upon a number of factors including how the absence impacts upon the particular service, whether the absence follows a particular pattern, and/or whether it is for a single underlying cause or many different causes.

Where the absence is having a significant impact on service delivery and/or is for regular ‘minor’ ailments, you may feel that a caution would be appropriate. Where the impact on service delivery is less significant or the absence relates to a distinct one-off condition with a explicit recovery date, a monitoring period may be more appropriate.

Where the absence relates to an underlying medical condition or serious illness, a formal notification period may be appropriate which should be determined based upon the medical condition, likely return to work date and the ability of service to sustain the employee’s continued absence.

21. **I’ve said I want to monitor an employee’s absence for a set period – how should I go about this?**

You should establish regular meetings with the employee to discuss progress in their attendance/sickness absence record, their recovery and/or their general health along with an appropriate support programme. Meetings should take place regardless of whether or not there is further sickness absence. Where there is further sickness absence, you may consider inviting the employee to a further formal Absence Review and seeking advice from Occupational Health.

21. **Does an employee have to provide a fit note saying they are fit to return to work?**

Where the fit note quotes a specific date by which the employee should be fit to return, no further note is needed for the employee to return on that date. Where a fit note does not specify a specific date by which the employee should be fit, a further note will be required to confirm fitness to return.
22. **Should an employee be referred to Occupational Health if the fit note states that the employee can return subject to adjustments?**

This will depend upon how specific the GP has been about what adjustments are required and the complexity of the medical condition/adjustments. If a simple adjustment is needed to the working environment or a phased return is recommended, this may be implemented without recourse to Occupational Health. In more complex cases or where the GP is not clear about the adjustments required, it would be advisable to seek Occupational Health’s view.

23. **Before dismissing an employee due to sickness absence, should I wait any longer?**

Employment tribunals will look at a range of factors when deciding if a dismissal is fair when an employee has been absent from work for some time. These include:

- Could you be expected to wait any longer for the employee to return, and if so, how much longer? Has the employee exhausted their sick pay? Are you able to call on temporary staff? The larger the organisation the more likely you are to be able to tolerate absence for longer.

- Has the employee been consulted? Have you taken their views into account and balanced these against the medical professional’s opinion?

- Have you taken reasonable steps to discover the employee’s medical condition and the likely prognosis? The decision to dismiss is not a medical question but it is a question to be answered in the light of the available medical advice.

These points taken from BS v Dundee City Council 2013.