

Managing attendance and employee turnover



booklet

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Foreword

For many employees work means a lot more than just their wage. Studies show that work is generally good for health and prolonged sickness absence can produce its own set of problems: isolation, de-skilling, loss of confidence, mental health issues and social exclusion.

Keeping people at work and helping them get back to work as soon as possible can help maintain an employee's health and wellbeing and improve organisational effectiveness. Managing sickness absence can be a challenge for many employers. Why is someone off? When will they come back? Is there anything I can do to help?

An important tool in managing sickness absence is advice about work provided by GPs on the medical statements they give to patients after they have been off work for over seven days. In the past GPs could have only said that a person was either 'fit' or 'unfit' for work. From 6 April 2010 a new medical statement offers a different option – "may be fit for work".

The aim of the 'Statement of Fitness for Work' is to give employers and their employees more useful back-to-work advice so they can be more flexible in managing sickness absence. A GP will be able to suggest ways of helping an employee get back to work. This might mean discussing a phased return to work, flexible working, amended duties or some workplace adaptations.

They will also provide written comments on the form about how a patient's condition affects what they do – such as different hours or the types of duties that may be appropriate.

To make the Statement work employers need to talk openly and honestly to their employees. By working together to find an arrangement that works for both of you, you can deliver real benefits to your employee and your business alike.

To help explain these changes Acas has been working in partnership with the Department for Work and Pensions to update this guide where the Statement of Fitness for Work impacts on how you manage sickness absence. This practical guide puts the Statement of Fitness for Work within the context of broader relations between managers and staff – emphasising the importance of developing trust and cooperation and clear lines of communication.

Return to work discussions, following periods of sickness absence, are particularly important. Employers get the chance to welcome employees back, to update them on any developments or workplace news and to discuss how they can get back to a normal work routine as quickly as possible. More detailed guidance on the Statement of Fitness for Work can be found on www.gov.uk/government/collections/fit-note. Acas also runs training events to help employers manage attendance and details of these can be found at www.acas.org.uk/training.

Contents

1	Managing attendance and employee turnover: an overview	1
	Flowchart for 'sickness/unauthorised absence'	2
2	Absence: facts and figures	4
	Why are people absent from work?	4
	What does absence cost you?	5
	Patterns of absence	6
	Why analyse absence?	6
	Setting 'triggers'	7
3	One to one management skills	8
	Having difficult conversations	8
	What is the purpose of a return to work discussion?	8
	The 'Statement of Fitness for Work'	9
	How do I prepare for a return to work discussion?	10
	Developing an overall approach	11
	What should an absence policy look like?	12
	Getting help	12
	Common features of an absence policy	13
4	Looking after your employees	14
	How important is the health and wellbeing of my employees?	14
	How can I increase the commitment of my employees?	14
	How can I help my employees achieve a good work-life balance?	15
	Legal issues	17
5	Employees and sickness	18
	Short-term sickness	18
	What can I do if a pattern of short-term sickness emerges?	19
	Long-term sickness	19
	How do you deal with long-term sickness?	20
	Can I dismiss an employee while on long-term sickness?	21
	How can I help an employee return to work after a long absence?	21
	What can I do about stress and mental health problems?	22
6	Employees and unauthorised absence	23
	Attendance payments	24

7	Employees who leave – managing employee turnover	26
	Why do employees resign?	26
	Are there patterns of employee turnover?	26
	What is the cost of employee turnover?	26
	Why analyse employee turnover?	27
	How do I measure employee turnover?	27
	How do I find out why employees are leaving?	27
	How do I reduce the turnover of new starters?	29
	How do I reduce turnover of long-term workers?	30
8	Appendix 1	32
	Measuring absence	32
9	Appendix 2	34
	Measuring employee turnover	34
10	Appendix 3	36
	A sample absence policy	36
11	Appendix 4:	
	Important changes to making Employment Tribunal claims	39

Managing attendance and employee turnover:

an overview

This booklet tries to answer some of questions you might ask when an employee is absent from work due to sickness or unauthorised absence.

Questions like:

- How can I tell if someone is genuinely sick or if they just didn't feel like coming to work?
- Can I dismiss someone when they are away sick?
- How do I talk to my employees about why they were away?
- What action can I take to improve the attendance of my employees?

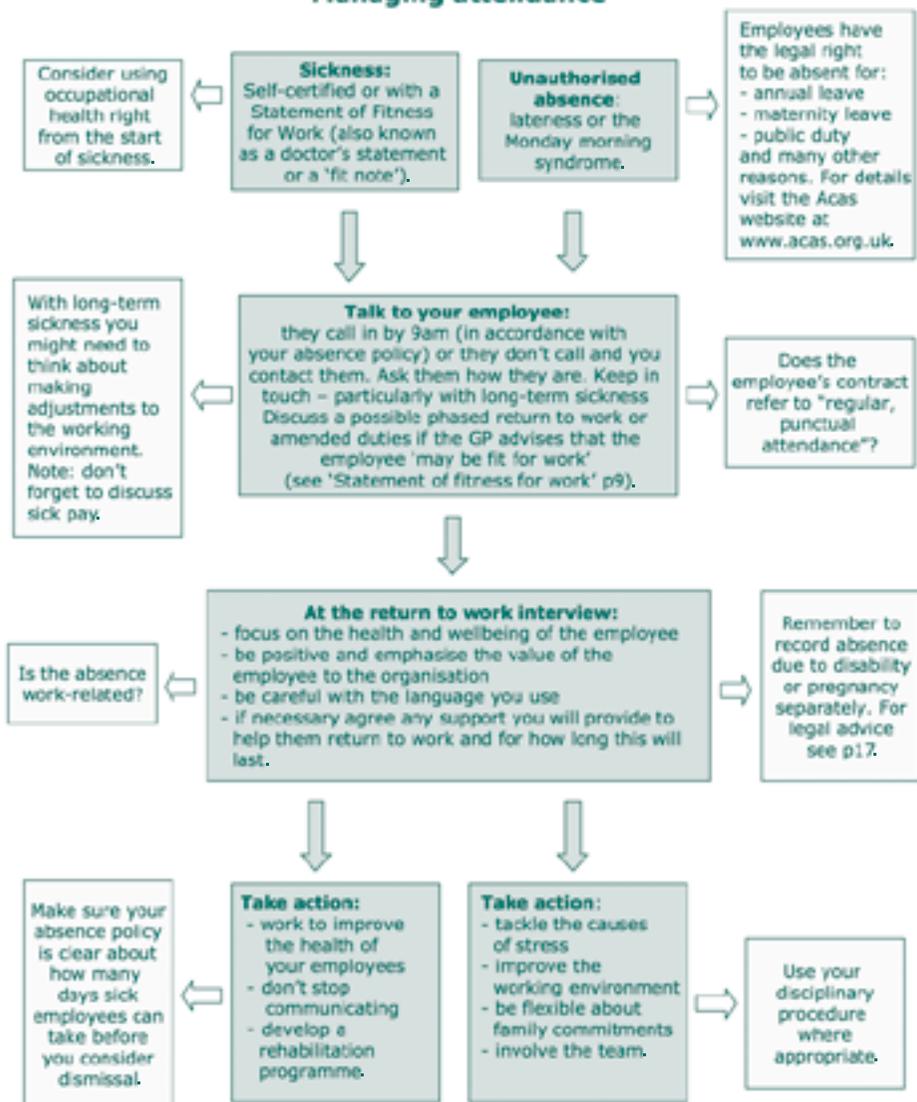
Most sickness is genuine and unauthorised absence may be caused by family commitments or stress. However, these situations are difficult to manage because they are often sudden and unexpected.

This leaves some managers feeling unsure about what they can do. This booklet will help you develop an action plan based upon:

- having the '**difficult conversation**' with an employee when they return to work
- looking after the **health and wellbeing** of your employees
- developing an **overall approach** to absence by linking attendance to job design, good employment relations, health and safety, flexible working and effective disciplinary procedures.

This booklet covers both managing long and short-term sickness and tries to uncover the real reasons why people are absent from work.

Managing attendance



Research increasingly shows that employers who manage attendance save money and improve effectiveness. The flowchart (opposite) shows the importance of:

- **early intervention:** if the employee doesn't call you when they should then why not call them?
- **good communication:** the way you conduct the return to work discussion is vital
- **flexibility:** for example, turning down sudden requests for leave may not be your best bet.

Employees may simply take sick absence. Try to be flexible about family and caring commitments and discuss with your staff how the work can be covered.

We also look at what causes employees to leave – particularly during the early period in a job – and tell you how to measure and analyse employee turnover and what to do if it is too high. Employees often have good reasons for moving on but if too many employees are leaving, you need to do something about it. So be positive and focus on what you can do to keep your employees at work.

Absence: *facts and figures*

Why are people absent from work?

People are absent from work for three reasons:

1. *They are sick* – they might have a common cold or a more complicated medical condition that needs medication, an operation or recuperation. Employees should either fill in a self-certificate explaining their short-term sickness or they should get a Statement of Fitness for Work (also known as a doctor's statement or 'fit note') if the illness lasts more than seven days.

Statement of Fitness for Work

The government introduced the 'Statement of Fitness for Work' (the 'fit note') to replace the sick note. As well as allowing doctors to advise that an employee is unfit for work, the statement also offers a new option – 'may be fit for work'. A GP is able to suggest ways of helping an employee get back to work. This might include an employer talking to an employee about a phased return to work or amended duties. For further information visit the Department for Work and Pensions website at www.gov.uk/government/collections/fit-note. This might also be a good opportunity to review your absence policy – see p36.

2. They feel they are unable to come to work because of family or caring responsibilities or they simply do not want to come to work – they may be unhappy, or lack motivation. Sometimes employees take sick absence because they feel they cannot ask for annual leave at short notice. Some unauthorised absence may require disciplinary action.

3. They are on authorised leave such as holiday, on a training course, or on maternity/paternity or some form of leave related to their caring or family commitments. They may also be on jury service or some other form of public duty.

This booklet focuses on the first two kinds of absence. Most of the absences you will have to tackle will be due to short-term sickness – which account for 80 per cent of all absences. Try to get root causes of absence by:

- having prompt **return to work discussions** – no matter how long or briefly the employee has been away

- keeping in **regular contact** about any ongoing concerns the employee may have – for example, if caring responsibilities sometimes require the employee to be absent at short notice.
- offering support where you can. This might mean discussing with your employee an earlier return to work – especially in cases where their doctor has advised that they ‘may be fit for work’

The section on ‘Looking after your employees’ (p14) looks at some of the underlying causes of absence and how you can manage attendance more effectively.

What does absence cost you?

According to the 2011 CBI Absence Survey the average worker is absent from work for 6.5 days a year. This figure varies from one workplace to another but the cost to the UK economy is £17 billion annually.

To judge the real cost of absence in your organisation take a look at how things work when someone is away. You may see problems associated with:

- hiring, and paying for, **temporary replacement staff**

- **missed deadlines** due to a lack of trained, experienced employees
- **customer satisfaction** levels – how often have we heard someone apologise for poor service by saying ‘the person who usually does this is off sick’
- **low morale** among colleagues expected to take on extra responsibilities
- **diminished reputation** with customers and potential employees, and even lost business.

Absence is often unplanned, so you need to be prepared to manage the employees you have at work to cushion the impact on customers and the overall flow of work.

High absence levels affect everyone in the organisation and can not be seen as a purely management problem. Employers, workers and their representatives should work together to monitor and control absence. This will help to:

- maintain job satisfaction
- manage workloads
- increase productivity and control costs.

Patterns of absence

Although each individual absence is different, general patterns often emerge. These vary from organisation to organisation because they are influenced not just by levels of illness, but also by management style, culture, traditions of behaviour and working conditions. Research has identified, however, that these patterns often display a number of common features:

- **young people** tend to have more frequent, shorter periods of sickness than older people
 - **manual workers** generally have higher levels of absence than office workers
 - **office workers** have higher levels of stress-related illness than manual workers
 - unauthorised absence is more common among **new starters**; longer serving workers get to know the organisation's standards and stay within the framework
 - sick absence due to **work-related accidents** is also greater for new or inexperienced workers
- absence tends to increase where there are **high levels of overtime**, or frequently rotating shift patterns
 - absence is likely to be greater in **larger working groups** because it is less likely to be noticed.

Why analyse absence?

You should measure and analyse absence in your organisation to:

- confirm if you have a problem with absence levels
- identify the type of absence – is it mainly self-certified absences on a Monday or are there more cases of longer-term sickness?
- highlight some of the underlying causes – for example, are absence levels higher in one particular team or at any specific time?
- compare your absence levels with those of other similar organisations. The Chartered Institute of Personnel Development (CIPD) has published research giving benchmarking information on how employers are recruiting and retaining people. It can be found at www.cipd.co.uk.

Most employers believe they can reduce costs by tackling absence. By measuring absence levels employers can not only discover why their employees are absent but what they can do to ensure they are more likely to be at work in the future.

The evidence suggests that those employers that set targets for themselves do better than those that don't. But, be realistic when setting targets for employee attendance. Many employers set their targets somewhere between five and nine days off per employee – but this will depend partly on your starting point.

Setting 'triggers'

The two most common ways of measuring absence are:

- the 'lost time rate', which shows the percentage of the total time available which has been lost because of absence

- the 'Bradford Index' which highlights repeated short-term absence by giving extra weight to the number of absences.

Appendix 1 gives details of how to use both these systems.

It can be useful to set certain trigger points for action. For example, if an employee has four separate periods of absence within a specified period, they might be asked to:

- see the organisation's doctor
- forward their own doctor's notes to their manager.

However, you need to be sensitive to the individual circumstances. For example, it would not be appropriate to caution an employee who is undergoing weekly medical treatment because they have a high absence rate.

One to one

management skills

Having difficult conversations

It can be difficult talking to employees about why they have been absent from work. Some employees, naturally, find it difficult to discuss personal medical problems. Also, many managers shy away from what they perceive as a 'showdown' with employees – particularly if they suspect that the sickness has not been genuine or if they wish to discuss high levels of sickness absence.

For example, an employee has been over-celebrating a sporting victory. Do you talk to them even though the rest of the team don't seem too bothered by the absence? If another employee is always absent for the monthly finance meeting how soon do you realise that there may be an underlying problem?

It can also be easy to make assumptions about absence. For example, a colleague with a bad back should be ready to return to work. Is the delay in returning due to a recurrence of the medical problem or is it due to anxiety about resuming their work routine?

Research by the CBI, and Acas' own experience, has found that early intervention and good communication are key ingredients in managing attendance. As a manager you need to:

- apply standards consistently
- look after your employees' wellbeing
- keep within the law
- look after the best interests of the employee and the company.

Keep in touch with employees when they are sick and away from work. When they return, conduct a **return to work interview**.

The 'Statement of Fitness for Work'

To help both employers and employees have more informed back to work discussions, the government introduced the 'Statement of Fitness for Work' which replaced the sick note from 6 April 2010. Doctors provide the Statements when their patient's health condition affects their ability to work for more than seven days. The Statement allows GPs to advise that an employee is 'unfit for

work' or 'may be fit for work'. The aim of the statement is to give employees and their employers more useful back-to-work advice so they can be more flexible in managing sickness absence. A GP will be able to suggest ways of helping an employee get back to work. This might mean discussing with your employee:

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

The doctor will also provide written comments to you on the form offering a more detailed view of the kind of things that may help. For example, how their medical condition is likely to affect different aspects of their work. For further information, go to: www.gov.uk/government/collections/fit-note. This might also be a good opportunity to review your absence policy – see p36.

What is the purpose of a return to work discussion?

You should conduct return to work interviews in order to:

- welcome employees back
- check they are well enough to be at work
- discuss the details of an agreed return to work based on advice given by the GP in the Statement of Fitness for Work. You should have already agreed the return to work in principle by talking through the issues on the phone or face-to-face
- update employees on any news while they were off
- identify the cause of the absence
- find out whether they have a disability and whether the provisions of the Equality Act 2010 apply (see p17) such as making a reasonable adjustment
- establish if their sickness is work-related and whether there are any health and safety issues you need to address.

A return to work interview is also a good way of teasing out any other problems an employee may have – at work or at home. These problems may remain hidden unless you use tact and sensitivity during the interview. For example, will an employee:

- admit that their sick absence is really caused by having to care for an elderly relative?
- feel able to tell you they are being bullied by a manager/colleague?

Many of the causes of absence arouse very strong feelings and you may need training to help you manage the relationships with your employees.

How do I prepare for a return to work discussion?

The majority of such discussions will be informal and brief. However they should still be done and it's worth taking a short note of the ground covered. Where the discussion is more formal due to the sickness record, remember that it is confidential so find a quiet place without any distractions. After all, an employee may be building up the courage to reveal some information about their personal lives. If the employee is a homeworker you may need to have a lengthy talk on the phone.

You need to think about:

- the **employee's records**: have everything to hand at the meeting
- any discussion you have had with your employee following advice from their GP on the 'Statement of Fitness for Work'. If a return to work has been agreed you might want to think about how this will work in practice – for example, what will you tell the employee's work colleagues?

- what kind of **questions you will ask**. Open questions that give the employee the chance to talk freely are best – for example, 'how do you feel about being back at work'? may be better than a closed question like 'are you happy being back at work'?
- how the **employee feels**. Pick up clues by actively listening to what they say, making connections between the various points they make and seeking clarification. Also, be positive about the employee's value to the organisation
- your **body language** – show interest with appropriate nods, smiles and reassurance.

Remind yourself about the individual employee. Are there any issues that might crop up during the interview? For example, it might be worth:

- familiarising yourself with the Health and Safety Executive's (HSE) stress standards – visit www.hse.gov.uk/stress for more details
- thinking how you would respond to a request for flexible working or a phased return to work – this might be one of the suggestions made by the employee's GP on the 'Statement of Fitness for Work'.

Be prepared to discuss the employee's absence in detail. Have there been any patterns? What does your absence policy say (see p13)?

If the employee is returning from a period of long-term sickness plan a 'getting back to work' programme.

Update the employee about any changes since they've been away – like progress on any jobs they were working on, changes to the team, etc.

Do you know what the law says about employees who are absent because of their disability? See p17.

Finally, what are the options for the future? Discuss all the options and focus on positive outcomes. Where appropriate the employee may agree to be referred to your organisation's medical officer or to an occupational health therapist. In some instances you might have to take disciplinary action if you are unhappy with the explanations for the absences or poor timekeeping. Have an open mind, agree a shared action plan where possible but don't make any hasty decisions at the meeting.

Developing an overall approach

As part of your absence policy you may start to make connections between attendance and a wide range of issues, such as:

- flexible working
- health and safety
- job design and the working environment
- disciplinary policies and procedures.

You cannot always control the causes of sickness absence or unauthorised absence. For instance there is little you can do to stop someone breaking a leg playing football or becoming depressed when a close relative dies. However, there are many aspects of a person's working life that you can have a very positive impact on.

Do you notice?

Some absence is due to lack of motivation. If an employee feels their absence will be noticed they will often be less inclined to take time off.

Managing attendance often means tackling some of the possible causes of absence – such as working patterns, job design and even employment relations (for more details see 'Looking after your employees' p14).

Good relationships between employees and their managers are based on effective communications, consultation and shared problem-solving. Poor communication and lack of employee involvement can lead not just to absences but to people leaving altogether.

For more information on why people leave – particularly during the first few weeks in a new job – see p26.

What should an absence policy look like?

An absence policy will help you to be clear about how you intend to manage attendance. It can be given to your employees as part of their induction process. An absence policy will vary according to the size of your organisation but some common features are shown on p13.

Getting help

During discussions with your employees, you may discover that absence has been caused or exacerbated by problems with other members of staff.

If the absences are due to relationship problems – between employees or between managers/supervisors and employees – then consider using a mediator. Acas' trained mediators are experts at dealing with everything from bullying to consultation and can work with organisations of every size and every sector. Contact the Acas helpline 0300 123 11 00 (Open Monday – Friday 8am -6pm) or go to www.acas.org.uk/mediation

Acas also runs training sessions throughout Scotland, England and Wales on a wide range of employment issues. They cover topical subjects such as managing absence, disciplinary procedures and contracts of employment. For more details visit www.acas.org.uk/training.

Common features of an absence policy

Introductory statement	Set out the management's commitment to improve health, wellbeing and attendance and reduce absence to no more than xx days per employee per year.
Notification of absence	The employee should speak to their manager or deputy as soon as possible by a set time – perhaps within an hour of their normal start time. They should also: <ul style="list-style-type: none"> ● give a clear indication of the nature of the illness and ● a likely return date The manager should promise to keep in regular contact.
Evidence of incapacity	Self-certification under seven days, a Statement of Fitness for Work (also known as a doctor's statement or a 'fit note') for over seven days. The 'Statement of Fitness for Work', introduced on 6 April 2010, allows a GP to advise that an employee is either 'unfit for work' or 'may be fit for work'. The GP can also suggest ways of helping the employee get back to work – for example, a phased return or modified duties. Your policy should include how you will discuss a return to work for employees advised that they 'may be fit for work'.
Use of medical help/advice	When an occupational health adviser will be used – some organisations intervene immediately (this is an increasingly popular approach), while others only intervene after repeated or prolonged sickness absence or during rehabilitation.
Long-term sickness	Your rehabilitation programme and use of staff counsellors.
Role of line manager	Who keeps the records of absence and investigates the possible causes.
Maternity absence	How absences relating to pregnancy will be recorded and treated – for further advice see p17.
Disability absence	How absences relating to the Equality Act 2010 will be managed – for further advice see p17.
Return to work interviews	Explain when the interviews will take place and the purpose of having these discussions between employees and their managers.
Trigger points	Many organisations have a 'formal review' after a certain number (perhaps three or four) separate periods of absence in a rolling year. You can also establish trigger points linking unauthorised leave to disciplinary action.
Sick pay	Set out an employee's entitlement to sick pay and statutory sick pay. Be clear how they apply to temporary and part-time employees.
Confidentiality	References to the confidentiality of all discussions and documents relating to sickness absence. Also, how requests to obtain medical records will be handled – for further advice see p17.

Looking after your *employees*

How important is the health and wellbeing of my employees?

Employers are increasingly making the link between attendance and the health and wellbeing of their employees. Organisations are looking at issues like smoking, alcohol and stress alongside traditional occupational health issues such as noise, dust and chemical hazards.

Employers have a 'duty of care' to protect employees from risks to their health and safety. Some of these possible risks – like working very long hours and not taking sufficient rest breaks – are covered by legislation. For example, the Working Time Regulations 1998 limit weekly working hours, provide minimum periods of rest and a minimum level of paid annual leave.

The government's '*Health, work and wellbeing*' strategy (launched in October 2005) aims to improve the overall health and wellbeing of working age people. For more details visit the Health and Safety Executive website at www.hse.gov.uk.

How can I increase the commitment of my employees?

There is a good deal of evidence, to show that employees who are committed to their organisation and the job they do are less likely to be absent from work – see for example the report to Government by David MacLeod and Nita Clarke *Engaging for success: enhancing performance through employee engagement* (Department for Business, Innovation and Skills 2009). This report makes a strong case for lowering absence levels by increasing employees' commitment through:

- showing them clear leadership and letting them know how they can contribute
- engaging them in their work and giving them the power to make some decisions themselves rather than trying to control and restrict them
- showing them respect and appreciation
- giving them ways to voice their views and concerns.

There is no guaranteed way of ensuring commitment of your employees. However, the best way of keeping in touch with the way your employees feel about their workplace is to consult them. That way you can work with employees and their representatives to ensure that:

- good physical working conditions are provided
- health and safety standards are rigorously maintained – including stress management standards
- new starters are given sufficient training and receive particular attention during the initial period of their work
- the prevailing ethos is one of teamwork
- jobs are designed so that they provide motivation and job satisfaction. They should, where possible, provide some or all of the following: variety, discretion, responsibility, contact with other people, feedback, elements of challenge and clear goals
- training, career development and promotion policies, communication procedures and welfare provision are examined, to see if they can be improved

- policies on equal opportunities, discrimination, and bullying and harassment are up-to-date and observed
- management training is adequate, and line managers are aware of their ‘duty of care’ responsibility for their workers’ health and welfare.

Many of these issues are critical to developing an effective and committed workplace. However, the right policies and procedures won’t work unless they are introduced and used in the right way by managers who are trained and confident to do so. For more details see the Acas website at www.acas.org.uk/training.

How can I help my employees to achieve a good work-life balance?

It is wise to recognise openly that individuals have reasonable and legitimate reasons for needing to be absent from work – for example, they may have caring responsibility for an elderly relative. Also, there is increasing focus on the benefits of encouraging a good ‘work-life balance’. Parents of children 16 and under (18 and under for disabled children) and carers of adults have the right to request a flexible working arrangement and have it seriously considered by their employer – see the Acas advice leaflet *Flexible*

working. The law on flexible working is about to change. Keep up-to-date by checking the latest developments at www.acas.org.uk/flexibleworking. Management should consider:

- introducing **flexible working hours**, or varied working arrangements, as this could assist employees without conflicting with work commitments, customer service or production
- authorising reasonable absences to cover **business or medical appointments**, including ante-natal care, which have been notified in advance. All pregnant employees, regardless of service, are entitled to reasonable, paid time-off for ante-natal and other pregnancy-related care

- allowing for authorised absence whenever appropriate to cover specific **religious observances**
- allowing for special leave
- possibly providing crèche facilities.

As a manager your aim is to achieve the highest level of attendance possible. There is a clear link between attendance and levels of productivity and customer care. Try to minimise disruption to work caused by absence and treat all workers fairly and compassionately.

Legal issues

Issue	Key points
Maternity	<ul style="list-style-type: none"> ● keep absence records separate from sickness records – a woman attending regular ante-natal classes should not hit a ‘trigger point’ in the same way as someone with regular sickness absence ● ensure a health and safety risk assessment has been done for the pregnant employee
Disability	<ul style="list-style-type: none"> ● if your employee is disabled or becomes disabled, you are legally required under the Equality Act 2010 to make reasonable adjustments to enable the employee to continue working – for example, providing an ergonomic chair or a power-assisted piece of equipment ● make sure the individual is not disadvantaged because of their disability ● if absence is related to disability, keep record separate from other sickness absence ● for further information, contact the Equality and Human Rights Commission at www.equalityhumanrights.com/
Data protection	<ul style="list-style-type: none"> ● you must get your employee’s permission in writing in order to see their medical records ● the Access to Medical Reports Act 1988 gives an employee the right to see the medical practitioner’s report – up to six months after it was supplied ● an employee can ask the GP to amend their medical report if they think it is incorrect or misleading ● for further information about this subject, contact the Information Commissioner at www.ico.org.uk
Health and safety	<ul style="list-style-type: none"> ● health and safety law requires you to undertake risk assessments of your activities to prevent people being harmed ● review your risk assessments if your employees have suffered injury or ill health that makes them more vulnerable ● for further information see the Acas advisory booklet ‘<i>Health, work and wellbeing</i>’ at www.acas.org.uk/publications
Discipline and dismissal	<p>The Acas Code of Practice: Disciplinary and grievance procedures sets out principles for handling disciplinary and grievance situations in the workplace. These include:</p> <ul style="list-style-type: none"> ● informing the employee of the problem ● holding a meeting to discuss the problem ● allowing the employee to be accompanied ● deciding on appropriate action ● providing employees with an opportunity to appeal <p>Employment tribunals are legally required to take the Code into account when considering relevant cases. Tribunals will also be able to adjust any compensatory awards made in these cases by up to 25 per cent for unreasonable failure to comply with any provision of the Code. Refer to appendix 4 which outlines important changes to making Employment tribunal claims.</p>

Employees and *sickness*

Short-term sickness

Short-term sickness is by far the most common form of absence (accounting, on average, for around 80 per cent). Short-term sickness usually takes the form of:

- minor one-off absences: for example, toothache, colds, muscular sprains and strains, migraines etc
- minor absences that occur more regularly: for example, an employee may be off with minor strains/injuries etc four times in a year or may be off every few weeks with a migraine.

Managing short-term absence

As an employer you should build up the following picture of an employee's short-term sickness:

- **within an hour of their normal start time** the employee should speak to you or their line manager on the phone. They should explain why they are absent and the nature of the problem. This also gives you the chance to check if:
 - there are any concerns they have about their illness
 - they need to update you on any jobs they are working on
- if they return **within seven days** they fill in a self-certificate which briefly explains the nature of their absence
- if they are absent for **seven days or more** you receive a 'Statement of Fitness for Work' advising that the employee:
 - is unfit for work
 - may be fit for work. If the GP feels an employee may be fit for some work they can suggest ways of helping the employee get back to work, such as a phased return or modified duties. You should discuss the possible options with your employee

- you **keep in touch with the employee by phone** while they are absent
- you hold a return-to-work interview with the employee (see p8-10 for more details)
- you **communicate regularly** with the employee when they return to check there are no ongoing problems.

What can I do if a pattern of short-term sickness emerges?

Frequent absence may indicate general ill health which requires medical investigation and, if continued, may indicate work stress or lack of capability to do the job. Individuals should be encouraged to seek proper medical attention to establish any underlying health problem. It may also be helpful to discuss whether there are domestic difficulties or problems with the job.

Small organisations can retain the services of a medical adviser, who will usually be a GP, on a part-time or session basis. Advisers should visit the organisation so they become familiar with the kind of work you do. Alternatively you may share the doctor's services with other organisations.

Contact may be made with the worker's GP, so long as the worker agrees. Serious illness may be spotted at an early stage. Organisations interested in appointing a medical adviser should contact The Faculty of Occupational Medicine. Go to www.facocmed.ac.uk.

Long-term sickness

Long-term sickness is one of the most difficult problems for management to tackle. Large organisations are usually better placed to cover these problems through more flexible working. In small organisations (or where the absentee fills a key position) it is not always so easy. Do you:

- replace the worker in order to get the job done?
- aid the sick person's recovery by guaranteeing their job security?

Whether you are in a large or small organisation you will want to assess what impact the long-term sickness is having. Ask yourself:

- just how much damage is being caused by this absence? Is there an immediate crisis; or could the organisation afford to continue for some time without a replacement, with some re-organisation?

How do you deal with long-term sickness?

If you are dealing with an employee who is on long-term sick absence you will want to consider the following:

- does the 'Statement of Fitness for Work' say that the employee 'may be fit for some work'? If so, would a phased return – working part-time or flexible hours – help the employee to get back to work?
- in the opinion of the worker's general practitioner/medical consultant, or of the organisation's doctor, when will a return to work be possible?
- will there be a full recovery or will a return to the same work be inadvisable?
- could the employee return if some assistance were provided? Could some re-organisation or re-design of the job speed up a return to work?
- is alternative, lighter or less stressful work available, with retraining if necessary
- is there a requirement under the Equality Act 2010 to make a reasonable adjustment?

To manage long-term absence:

- keep in regular contact
- discuss any options for returning to work, following advice from the employee's GP in the Statement of Fitness for Work
- use occupational health and seek medical advice
- be clear about arrangements for sick pay
- conduct return to work interviews
- develop a 'getting back to work' programme to support the employee's return
- dismiss fairly (after a proper investigation).

When you contact a GP or consultant for a medical opinion on an employee's health, make sure you tell them what the employee's job entails before asking any questions.

Always keep the employee fully aware of his or her position. Knowing there is a job to go back to can help relieve anxiety. In some cases, it may be appropriate to simply keep in touch with the employee and give them the time they need to recover. This is particularly true where there is a possibility that the illness has job-related causes.

Can I dismiss an employee while on long-term sickness?

Only as a last resort once all other options have been considered. Before making a decision, think about all the factors mentioned earlier – such as reasonable adjustment, flexible working, job design, a phased return to work, etc. You may have to satisfy an employment tribunal as to the fairness of your decision. The Acas Code of Practice: Disciplinary and grievance procedures sets out principles for handling disciplinary and grievance situations in the workplace. Employment tribunals are legally required to take the Code into account when considering relevant cases. Tribunals will also be able to adjust any compensatory awards made in these cases by up to 25 per cent for unreasonable failure to comply with any provision of the Code. If you are (or expect to be) affected by such an issue, see Appendix 4 on important changes to making a tribunal claim.

After long absences, particularly those caused by work-related accidents, there is often a fear of returning to work. An understanding approach, coupled perhaps with part-time working at first, can help build up confidence and a return to normal performance. If the job can no longer be kept open, the employee should be told. You may find it helpful to seek advice from the Disability Service Teams whose

addresses can be obtained from Jobcentre Plus offices.

How can I help an employee return to work after a long absence?

Employees are often understandably anxious about returning to work after a long absence. They may have lots of questions to ask you. For example:

- **has the working environment changed?** If the sickness was work-related they may be concerned about using the equipment. Have you reviewed your risk assessment?
- **could you make reasonable adjustments?** If they are disabled, or have become disabled, you are required to make reasonable adjustments to help them back to work
- **what do my colleagues know about my absence?** Reassure the employee that all discussions and paperwork about their illness have remained strictly confidential. Ask the employee how they wish to handle the subject of their absence with colleagues or in team meetings etc.

Employees need to be reassured that you have given some thought to their return to work. Talk to the employee and their colleagues and work out a

'getting back to work' programme. This might involve:

- shorter hours in the first few weeks or flexible hours
- catching up on any new developments within the organisation
- training on new equipment or new processes/procedures
- a friendly chat about what's been going on at work – for example, any social events they may have missed or that are coming up.

What can I do about stress and mental health problems?

Stress and mental health problems are common causes of sickness absence – particularly long-term sickness.

The Health and Safety Executive (HSE) has developed a set of 'management standards' to help employers tackle stress. They identify the six chief causes of stress as:

- the **demands** made on employees
- the level of **control** employees have over their work
- nature of the **relationships**

- the **support** employees receive from managers and colleagues
- the clarity of an employee's **role** within the organisation
- the way that **change** is managed.

The HSE has also developed a risk assessment to help you identify the kind of stress people are most likely to experience in your business. It can be found at www.hse.gov.uk. The Acas advisory booklet Stress at work can help you meet the HSE stress standards. Go to www.acas.org.uk/publications.

Mental health problems can be very difficult to diagnose. They may be caused by stress, by bullying or by depression brought on by a combination of factors affecting an employee at work and at home.

Try and be understanding. A counsellor can help to explore the deeper emotional problems associated with mental ill health. For further information contact the Mental Health Foundation. Go to www.mentalhealth.org.uk. Or see the Acas guide 'Promoting positive mental health at work', go to www.acas.org.uk/publications for further details.

Employees and *unauthorised absence*

This type of absence – the ‘odd day’ off work often with illness given as the reason or excuse – is generally known as ‘absenteeism’. Both management and workers will be aware that some individuals will take days off work, sometimes giving sickness as a reason, sometimes giving no reason at all. Whether paid or unpaid, this type of absence is costly to the organisation because it is unpredictable.

Lateness and poor timekeeping are similarly disruptive, particularly when others cannot begin work until arrangements are made to provide cover. However, some account must be taken of unusual travelling difficulties which workers may have to face from time to time.

On the other hand, absence of this kind may point to problems concerning the quality of management, working relationships, job design, and other factors mentioned earlier in this booklet. All of these need to be examined to see if better management is the

answer to the problem since, if workers know that absence will be noticed and will be investigated by management on return, they are less likely to take time off work without proper cause.

Specific measures could also include:

- careful monitoring of individual absence records and comparisons with the average for the team?
- a requirement for the absent worker (or someone acting on his or her behalf) to speak to the line manager by telephone by a given time on each day of absence
- a rule about absences before and after holidays
- restrictions on volunteering for overtime.

Further advice...

... on disciplinary procedures can be found in the *Acas Code of Practice on disciplinary and grievance procedures*, and in *Discipline and grievances at work: the Acas guide*. Employment tribunals are legally required to take the Code into account when considering relevant cases. Tribunals will also be able to adjust any compensatory awards made in these cases by up to 25 per cent for unreasonable failure to comply with any provision of the Code (see p17 for details). If you are (or expect to be) affected by such an issue, see Appendix 4 on important changes to making a tribunal claim.

Absence of this kind may indicate the need, eventually, to invoke disciplinary action.

Where disciplinary action is invoked, representatives will have an interest in seeing that cases are well-presented and given proper consideration by management; they will also have an interest in seeing that management takes appropriate action against those who try to exploit the disciplinary and sickness provisions at the expense of the majority. In some companies formal joint consultation takes place

between workers, their representatives and management to consider what remedial action may be necessary to deal with absence problems and difficult individual cases.

Company policies can occasionally encourage longer than necessary absences. Sick pay schemes which pay only for absences of three days or more, for example, may encourage three day absences when perhaps only one or two days would otherwise be lost. If strict adherence to starting times has been neglected over a period of time, a sudden tightening-up may cause some workers to stay away for the day rather than face a reprimand for lateness.

Attendance payments

Some companies make additional payments on top of normal pay in order to encourage good attendance but opinions vary over whether this is effective. Advocates of attendance payments argue that they reward those who, by turning up for work, frequently carry an additional load caused by those who stay away. It is also claimed that such payments, while not necessarily affecting persistent absentees, raise the general level of attendance.

However, managers should consider the disadvantages carefully before introducing attendance payments:

- good attendance is part of the bargain the worker makes with the employer, and so is already paid for in the normal wage or salary
- only a small minority is likely to be frequently absent: payments are paid to all to improve the attendance of only a few workers
- incentive payments tend to lessen the line manager's responsibility to encourage good attendance and deal effectively with poor attendance
- once the qualification for payment is lost, the incentive value is also lost for the remainder of the period
- too small a payment is unlikely to be effective as an incentive, but too large a payment would distort the effort-reward relationship of the normal payment system
- over a period the extra payment is increasingly seen as part of normal pay, the incentive value is lost and there is pressure to consolidate it into basic rates.

Some organisations have less direct systems of rewarding good attendance. These are sometimes based on the concept of 'banking' time which, if not used to cover absence caused by sickness, can be saved up over a period and converted into extra holidays, long or sabbatical leave, or early retirement.

Employees who leave – *managing employee turnover*

Employee turnover occurs when workers leave an organisation and need to be replaced by new recruits. You can plan for this turnover if someone retires, is dismissed or resigns due to ill health or pregnancy. However, sudden, voluntary resignations can be very disruptive.

Why do employees resign?

Employees often resign:

- after their first morning or day at work, or resign within a few weeks or months of employment. This stage is often referred to as the **induction crisis**. A separate problem is when a recruit accepts the job but never turns up for work!
- after a few years' service in order to **develop a career**, gain wider experience or simply to seek variety.

The longer an employee works with you the more likely they are to stay. This is mainly because they become used to the work and the organisation, and have an established relationship with those around them.

Are there patterns of employee turnover?

Employee turnover tends to be:

- higher in larger, highly centralised organisations, and lower in small companies
- slightly higher in urban areas and lower in rural areas, even within the same industry
- subject to seasonal variations – for example, people are more likely to change their jobs after Christmas and summer holidays.

Because new starters are more likely to leave, turnover is often higher in expanding organisations which will have a higher proportion of new starters. Turnover may also be high in organisations which are contracting as workers move to employers offering greater job security.

What is the cost of employee turnover?

The added cost of advertising, recruitment and training are some of the obvious costs of employee turnover. Other costs include:

- unnecessarily high staffing levels and overtime payments
- missed deadlines
- interruptions to the flow of work
- higher levels of stress related absence
- long-term workers becoming unsettled and leaving
- low morale and resulting low productivity and customer service
- damage to the organisation's local reputation.

Rising employee turnover often becomes a 'vicious circle': low morale causes more workers to leave, increasing the dissatisfaction of those who remain, and so on.

Why analyse employee turnover?

There are two main reasons for measuring and analysing levels of employee turnover:

- **control:** objective measurement is essential if the cost of employee turnover is to be calculated accurately. There is no universally 'acceptable' level – it will depend on factors such as occupation, industry, sector, region, etc

- **forecasting:** if future staffing and recruitment needs are to be estimated reliably, account will need to be taken of past levels of employee turnover.

Personnel/HR records must include accurate details of all starters and leavers, and should be in a form which assists equality monitoring – as well as analysis by length of service, section or department, and month or year.

How do I measure employee turnover?

The simplest way of measuring employee turnover is to measure the number of leavers in a period as a percentage of the number employed during the same period, usually on a quarterly or annual basis. This is sometimes called the separation rate, and is expressed as follows:

Number of leavers	x 100	= Separation rate
Average no. working		

Appendix 2 gives details of how to use this formula (p34).

How do I find out why employees are leaving?

The two common ways of finding out why people leave are through exit interviews and attitude surveys.

Exit interviews

Ask your employees why they are leaving and what they think is good and bad about the firm. For example, is the problem to do with:

- the job itself?
- line management?
- pay and other terms and conditions of work?
- training and career prospects with the organisation?
- working conditions and amenities?
- equal opportunities?

However, employees may not always disclose the real reasons for leaving or their true views about the organisation. To minimise 'distortion' it can help to:

- have the interviews carried out by a person other than the immediate line manager
- conduct them away from the normal place of work if possible
- explain that the interview is confidential
- explain fully the reason for the interview
- explain that the reasons for leaving will not affect any future references or offers to work again for the organisation.

Attitude surveys/processes

Ask existing employees what they think about where they work? An attitude survey can cover a wide range of work issues, such as:

- pay and conditions
- employment relations
- equal opportunities
- communication and consultation
- catering or refreshment facilities
- the organisation's products and image.

You can involve every employee by asking them to complete a written or online questionnaire. Their success largely depends on good questionnaire design and the level of response.

An alternative (or complementary) method is to select a sample of workers and to interview them in-depth, following an interview plan similar to a questionnaire but allowing interviewees more scope to give their views.

You might also consider running some focus groups. These are generally best facilitated by someone outside the line management chain, or an external provider if appropriate, and must provide a confidential forum where views can be freely aired.

Any type of attitude survey will raise the expectations of workers. The exercise can generate considerable goodwill towards the employer, but only if the results of the survey are freely communicated to workers and acted upon. If expectations are ignored, the survey may well be counter-productive.

Also, when conducting any attitude survey:

- involve **employee representatives** right from the planning stage onwards or form task groups
- allow interviewees to **speak freely and anonymously/confidentially** by conducting the process independently of the organisation where possible
- select a sample to get proportions of young, old, male, female, new or long-serving workers that are **representative of the organisation**
- **communicate** progress reports, findings and subsequent action to all employees
- do it in **work time** – you'll get a much higher return rate.

How do I reduce the turnover of new starters?

Organisations that want to reduce the turnover of new starters should pay particular attention to the following key areas:

- **recruitment and selection:**
 - selection tests can help identify suitable applicants
 - adverts should give an accurate picture of the job
 - don't be panicked into recruiting someone because of high employee turnover
 - don't set standards too high
 - recruits will only get bored quickly if they are over-qualified
 - recognise the role of line managers in establishing working relationships right from the start.
- **induction:**
 - have an induction programme
 - make special reference to the valuable contribution employees make to the success of the business, which is why regular attendance is so important
 - first impressions count: set aside time for new recruits
 - be friendly
 - pay special attention to school leavers, those returning after a career break and those from ethnic minorities
 - the Acas advisory booklet Recruitment and induction gives more detailed information. Go to [acas.org.uk/publications](https://www.acas.org.uk/publications).

- **job training:**
 - develop a training scheme that gradually introduces the recruit to one part of the job at a time
 - the line manager should monitor the recruit's progress closely
 - tell the new recruit about any incentive schemes and help them reach the required standards quickly.

How do I reduce turnover of long-term workers?

The causes of this type of employee turnover may require attention to wider issues such as organisational structure or management style.

Engaged employees are 87 per cent less likely to leave the organisation than the disengaged according to figures in the report to Government by David MacLeod and Nita Clarke *Engaging for success: enhancing performance through employee engagement* (Department for Business, Innovation and Skills 2009). One of the best ways of reducing turnover is to take steps to engage employees in your organisation and the job they are doing by:

- showing them clear leadership and letting them know how they can contribute
- engaging them in their work and giving them the power to make some decisions themselves rather than trying to control and restrict them

- showing them respect and appreciation
- giving them ways to voice their views and concerns.

Particular factors which contribute to high turnover might include:

- **pay:**
 - check your pay rates haven't fallen below your competitors
 - do an equal pay audit to check rates are fair
- **equal opportunities/diversity/discrimination:**
 - are policies on equal opportunities, diversity and discrimination rigorously observed?
 - do they cover disability, sex, race, age, sexual orientation, gender reassignment, civil partnership and marriage, pregnancy and maternity, religion or belief and other diversity issues?
- **communicating and consulting:**
 - do the workers feel they are 'kept in the picture' about developments within the organisation, new orders/customers, product developments, new equipment, management changes?
 - do you consult with workers before decisions are made?

- do you comply with the Information and Consultation of Employees (ICE) regulations? For more details visit www.acas.org.uk/information-and-consultation.
- **management skills:**
 - are managers and supervisors fully trained? Are they competent to deal with people management issues, as well as the technical requirements of their job? See the Acas guide Front line managers at www.acas.org.uk/publications
- **discipline and grievances:**
 - are there proper disciplinary and grievance procedures which are known to everyone? Are managers given training in their use and do senior managers support them in applying procedures?
- **performance management:**
 - do employees have personal objectives which link in with those of the organisation overall?
 - do they understand where they ‘fit’ into the organisation and the importance of their contribution?
 - are workers given the opportunity to discuss with their manager any appraisal of their work and progress which may be made?
- **personal development plans (PDP):**
 - do all employees have a PDP which has been agreed with their line manager?
 - are they kept waiting or moved from job to job, perhaps losing money, because of poor planning?
- **ideas for improvements:**
 - if workers have suggestions about the way the organisation is run, is there a well-known and speedy way of having their views heard? Are they reliably and quickly informed of management’s response?
- **working conditions:**
 - are any improvements to working conditions necessary? Are working areas and facilities, such as toilets and rest rooms of a good standard?
- **hours of work:**
 - is there a need to reorganise patterns of working time? Does the organisation offer flexible working hours, part-time/temporary working, or job sharing?
- **stress:**
 - have you carried out a stress audit? See the Acas advisory booklet Stress at work at www.acas.org.uk/publications.

Appendix 1:

Measuring absence

The most common measure of absence is the lost time rate. This shows the percentage of the total time available which has been lost because of absence from all causes in a given period.

Total absence (hours or days) in the period	x 100	= Lost time rate
Possible total (hours or days) available in the period		

For example, if the total absence in the period is 124 hours, and the possible total is 1,550 hours, the lost time rate is:

124	x 100	= 8%
1,550		

The lost time rate can be regarded as an overall measure of the severity of the problem. If calculated separately by department or group of workers, it can show up particular problem areas.

Total time lost, however, may consist of a small number of people who are absent for long periods, or a large number absent for short spells. A measure of 'frequency' is needed to show how widespread the problem is, so that companies can formulate appropriate plans to reduce it.

The frequency rate shows the average number of spells of absence per worker (expressed as a percentage) irrespective of the length of each spell.

Number of spells of absence in the period	x 100	= Frequency rate
Number of workers in the period		

If the organisation wishes to monitor the number of workers absent at all during the period the individual frequency rate can be used:

Number of workers having one or more spells of absence	x 100	= Individual frequency rate
Number of workers		

For example, in one month an organisation employed on average, 80 workers. During this time 12 workers had periods of absence: one was away three times, two were away twice and nine were away once, a total number of 16 spells of absence. The frequency rate was therefore:

16	x 100	= 20%
80		

The individual frequency rate was:

12	x 100	= 15%
80		

Another individual index of absence, developed by Bradford University, highlights repeated short-term absence by giving extra weight to the number of absences. It is given by the formula:

Index (I) = $S \times S \times H$, where:
 S = the number of absences; and
 H = total hours absent in any given period

For example:

Worker with two periods of absence totalling 10 days (80 hours):
 $I = 2 \times 2 \times 80 = 320$

Absentee with six periods of absence totalling 10 days (80 hours):
 $I = 6 \times 6 \times 80 = 2880$

Organisations can use the indicator to provide a trigger point for investigation. It is important, however, to examine the particular circumstances leading to a high score before action is taken.

Appendix 2:

Measuring employee turnover

The simplest and most usual way of measuring employee turnover is to measure the number of leavers in a period as a percentage of the number employed during the same period, usually on a quarterly or annual basis. This is sometimes called the separation rate, and is expressed as follows:

Number of leavers	x 100	= Separation rate
Average number working		

Unless there are special circumstances such as a sudden large increase in the size of the workforce, the average number working is usually taken to be the number working at the start of the period added to the number working at the end, the total then being divided by two.

For example, if there are 210 workers at the start of the period being studied, 222 at the end of the period, and 72 leavers during the period, the separation rate is:

72	x 100	= 33.3%
210 + 222		
2		

This simple index is useful in comparing one organisation's employee turnover with that of other local employers, or with the industry as a whole. Visit www.cipd.co.uk for more details.

If calculated by department or section, it can be a useful guide to the areas which require further investigation. For example, the index can be calculated by using voluntary resignations only, where the inclusion of unavoidable or anticipated employee turnover would be misleading. The separation rate is only a crude measure of the employee turnover problem and makes no distinction between new starters and experienced workers who can be much more difficult to replace.

The stability index illustrates the extent to which the experienced workforce is being retained, and is calculated as follows:

Number of workers with one year's service (or more) now	x 100	= Stability index
Number of workers one year ago		

For example, if 160 current workers have been employed for one year or longer, and the total number of workers a year ago was 250, the stability index is:

160	x 100	= 64%
250		

As with all such indices, the stability index is most useful in comparisons over a period or with other similar organisations.

In an earlier section reference was made to the characteristic pattern of employee turnover: high for new starters, then decreasing. The degree to which this pattern applies in any single organisation will naturally vary, and can be shown graphically. The number of leavers is plotted against the period for which they were working.

This steeply sloping curve shows that many more workers leave after a short length of service than after a longer period. This is likely to be true even when the total number of leavers is small, ie: when employee turnover is low. If the curve were much shallower, it would indicate that leavers were spread more generally throughout the workforce. In circumstances of low employee turnover this would cause little concern. If turnover is high and large numbers are involved it would indicate serious loss of trained and skilled workers. So while the 'survival curve' can be extremely helpful in understanding the nature of employee turnover within an organisation, it must always be used in conjunction with the employee turnover rate.

If there is a problem, it should be approached systematically by identifying groups primarily affected by high turnover and then examining each aspect of their working conditions to identify causes of dissatisfaction. This will mean analysis by department, skill level, grade, age, sex and length of service, especially in large or diverse organisations. This analysis can indicate problems, for example, in pay differentials or career progression which can then be studied in greater depth.

Appendix 3:

sample absence policy

This is a sample policy which you should adapt to suit the particular circumstances of your organisation

Policy statement

We are committed to improving the health, wellbeing and attendance of all employees. We value the contribution our employees make to our success. So, when any employee is unable to be at work for any reason, we miss that contribution. This absence policy explains:

- what we expect from managers and employees when handling absence
- how we will work to reduce levels of absence to no more than xx days per employee per year.

This policy has been written after consultation with employee representatives. We welcome the continued involvement of employees in implementing this policy.

Key principles

The organisation's absence policy is based on the following principles:

1. As a responsible employer we undertake to provide payments to employees who are unable to attend work due to sickness. (See the Company Sick Pay scheme.)
2. Regular, punctual attendance is an implied term of every employee's contract of employment – we ask each employee to take responsibility for achieving and maintaining good attendance.
3. We will support employees who have genuine grounds for absence for whatever reason. This support includes:
 - a. 'special leave' for necessary absences not caused by sickness
 - b. a flexible approach to the taking of annual leave
 - c. access to counsellors where necessary
 - d. rehabilitation programmes in cases of long-term sickness absence.

4. We will consider any advice given by the employee's GP on the 'Statement of Fitness for Work'. If the GP advises that an employee 'may be fit for work' we will discuss with the employee how we can help them get back to work – for example, on flexible hours, or altered duties.
5. We will use an occupational health adviser, where appropriate, to:
 - a. help identify the nature of an employee's illness
 - b. advise the employee and their manager on the best way to improve the employee's health and wellbeing.
6. The company's disciplinary procedures will be used if an explanation for absence is not forthcoming or is not thought to be satisfactory.
7. We respect the confidentiality of all information relating to an employee's sickness. This policy will be implemented in line with all data protection legislation and the Access to Medical Records Act 1988.

Notification of absence

If an employee is going to be absent from work they should speak to their manager or deputy within an hour of their normal start time. They should also:

- give a clear indication of the nature of the illness and
- a likely return date.

The manager will check with employees if there is any information they need about their current work. If the employee does not contact their manager by the required time the manager will attempt to contact the employee at home.

An employee may not always feel able to discuss their medical problems with their line manager. Managers will be sensitive to individual concerns and make alternative arrangements, where appropriate. For example, an employee may prefer to discuss health problems with a person of the same sex.

Evidence of incapacity

Employees can use the company self-certification arrangements for the first seven days absence. Thereafter a 'Statement of Fitness for Work' is required to cover every subsequent day.

If absence is likely to be protracted, ie more than four weeks continuously, there is a shared responsibility for the Company and the employee to maintain contact at agreed intervals.

‘May be fit for some work’

If the GP advises on the Statement of Fitness for Work that an employee ‘may be fit for work’ we will discuss with the employee ways of helping them get back to work. This might mean talking about a phased return to work or amended duties.

If it is not possible to provide the support an employee needs to return to work – for example, by making the necessary workplace adjustments – or an employee feels unable to return then the Statement will be used in the same way as if the GP advised that the employee was ‘not fit for work’.

Return to work discussions

Managers will discuss absences with employees when they return to work to establish:

- the reason for, and cause of absence
- anything the manager or the company can do to help
- that the employee is fit to return to work.

If an employee’s GP has advised that they ‘may be fit for work’ the return to work discussion can also be used to agree in detail how their return to work might work best in practice.

A more formal review will be triggered by:

- frequent short-term absences
- long-term absence.

This review will look at any further action required to improve the employee’s attendance and wellbeing. These trigger points are set by line managers and are available from Personnel.

Absence due to disability/maternity

Absences relating to the disability of an employee or to pregnancy will be kept separate from sickness absence records. We refer employees to our Equality Policy – covering family policies and disability discrimination policies.

Appendix 4: *Important changes to making Employment Tribunal claims*

Previously, an employee could go straight to the tribunal service, but this will change. From 6 April 2014, if an employee is considering making an Employment Tribunal claim against their employer, they should notify Acas that they intend to submit a claim.

Details of how and where to do this are given below.

Acas will, in most circumstances, offer to assist in settling differences between employee and employer. Employers intending to make a counter-claim against an employee must follow a similar procedure.

The process for agreeing settlement is called Early Conciliation. It is handled by experienced Acas conciliators and support officers and is:

- free of charge
- impartial and non-judgmental
- confidential
- independent of the Employment Tribunal service
- offered in addition to existing conciliation services.

Early Conciliation focuses on resolving matters on terms that employee and employer agree.

Early Conciliation may not resolve matters in every claim. When this is the case Acas will issue a certificate that is now required for a claim to be submitted to an Employment Tribunal.

From July 2013, employees have been required to pay a fee to “lodge” a claim at the Employment Tribunal, followed by another fee if the claim progresses to a

tribunal hearing. In some cases, other fees may also apply. If a claim is successful, the employee may apply for the costs of the fees to be covered by the employer. Some employees, including those on low incomes, may be exempt from fees.

Remember, when a claim is lodged with a tribunal, Acas will continue to offer conciliation to both sides until the tribunal makes a judgment and, if the claim is successful, a remedy decision (usually financial compensation) has been made.

To find out more about Early Conciliation, go to www.acas.org.uk/earlyconciliation

To find out more about Employment Tribunal fees, go to www.justice.gov.uk/tribunals/employment

Legal information is provided for guidance only and should not be regarded as an authoritative statement of the law, which can only be made by reference to the particular circumstances which apply. It may, therefore, be wise to seek legal advice.

Acas aims to improve organisations and working life through better employment relations. We provide up-to-date information, independent advice, high quality training and we work with employers and employees to solve problems and improve performance.

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March 2014

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