



## Attendance management

### Why bother about absence?

Because:

- absence from work is now costing employers over £600 per employee per year on average. Absence costs business £11.6 billion a year
- absent employees put pressure on their colleagues who have to cover their workload. This can lower morale and reduce the efficiency of your business.

### What causes high absence levels and how can they be reduced?

High absence levels are often caused by deeper rooted problems within an organisation. You should measure and control absence but you can also take positive steps to improve morale and motivation by:

- creating a good working environment
- providing support and information to employees on health issues
- attempting to reduce stress levels amongst employees
- introducing flexible working practices.

Acas runs training sessions dealing with absence and can offer bespoke training in your workplace on handling absence issues. Acas advisers also conduct workplace projects which can examine the causes of absence within organisations and suggest ways in which absence levels can be reduced. For further information contact the Acas helpline 08457 47 47 47. Lines are open 8am to 6pm Monday to Friday.

**If you take a little time to follow these few simple guidelines you can help to reduce levels of employee absence and make your business more effective.**

This booklet takes you through a five stage process to help you to reduce levels of absence.



This should be a continuous process.

### What is the legal position?

You should be aware of the following legislation which will affect the way you handle absence issues. More information on this legislation is contained in Appendix 1.

#### The Disability Discrimination Act 1995

The Act places additional responsibilities on employers where the employee suffers from a disability.

#### Statutory sick pay

The Social Security Contributions and Benefits Act 1992 requires all employers to pay Statutory Sick Pay (SSP).

#### The Data Protection Act 1998

Under this Act workers can access their personnel records (including absence records) and request that errors be put right. They can also claim compensation for damage caused by any breach of the Act.

#### Maternity rights

Pregnant women and new mothers are entitled to maternity pay and maternity leave.

Employees are entitled to:

- paternity leave and pay
- time off for dependants
- adoption leave and pay
- parental leave
- the right to request flexible working.

#### Unfair dismissal

Employees who have been dismissed on the grounds of absence can make a claim to an employment tribunal of unfair dismissal if they have completed one continuous year's service with their employer.

## **Statutory discipline and grievance procedures**

Employers must adopt a fair procedure which, as a minimum, follows the statutory discipline and grievance procedures.

### **Where can you find further information?**

Phone the Acas helpline for further advice and assistance on 08457 47 47 47. Lines are open 8am to 6pm Monday to Friday.

For more information on drawing up and operating a disciplinary procedure see the Acas publications [Advisory handbook - Discipline and grievances at work \(section 1 of 2\)](#) and [Self help guide - Producing disciplinary and grievance procedures](#). For more information on setting up personnel records see the [Advisory booklet - Personnel data and record keeping](#). To find out about Acas training sessions for small businesses on disciplinary issues visit the [Training sessions](#) section of this website where you can also access our free e-learning module on Absence.

For more information on the Disability Discrimination Act contact Equality Direct on 08456 00 34 44 or visit their website [www.equalitydirect.org.uk](http://www.equalitydirect.org.uk) or the Disability Rights Commission [www.drc-gb.org](http://www.drc-gb.org).

### **What is absence?**

In order to be able to deal effectively with absence, it is helpful to distinguish between three types of absence:

- short-term certificated or self-certificated sickness
- long-term absence
- unauthorised absence and lateness.

### **What is 'short-term certificated or self-certificated sickness'?**

A certain amount of short-term sickness can be expected and many employers provide sick pay schemes for their workers. All employers must, as a minimum, pay statutory sick pay.

A medical certificate from a GP should not be required for absences of less than seven days. For these absences, employees can complete the employer's self-certificate documentation. Employees who are frequently absent could be suffering from poor health which may require medical investigation. This may indicate work stress or lack of capability to do the job.

### **What is 'long-term absence'?**

Long-term absence occurs when an employee suffers from a prolonged illness or disability that means that he or she will be away from work for an extended period.

### **Unauthorised absence and lateness**

This describes short periods of absence, the occasional day off here and there. Many people take the odd day off with minor ailments, but you will need to take action if these 'odd days' of absence reach unacceptable levels, or if patterns emerge, (such as frequent absences on Mondays or Fridays). This booklet will show you how to deal with each of these three types of absence.

### **Step 1**

#### **Record levels of absence**

As the first step in controlling absence, keep records of employee absence. The records should be in a form which makes analysis by section or department, month or year relatively simple.

By keeping individual records of absence (whether sickness or other) and lateness you can monitor employees' performance. Figure 1 is an example of such a record.

Individual records can then be combined to provide summary statistics on levels of absence and lateness, which should help you to spot problem areas and take necessary remedial action.

Annual Leave:					Sick Leave:				
From	To	Applied for	Approved	Total	Balance	From	To	Total	Return to work interview

This record should be signed off by the employer on each occasion, but the original retained by the employee.

Monthly summary of absence etc.

Department..... Month..... Totals.....

Authorised absence (A)

Employee	Name	1	2	3	4	5	6	7	8 (etc)

Computer record keeping has now become the norm in most organisations, and commercial software packages are available.

More examples are given in the [Advisory booklet - Personnel data and record keeping](#).

## Step 2

### Calculate absence levels

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:

$$\frac{124}{1,550} \times 100 = 8\%$$

The lost time rate provides an overall measure of the possible severity of any 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.

No of spells of absence in the period

\_\_\_\_\_ x 100 = Frequency rate

No of workers in the period

If you wish to monitor the number of workers absent during the period the individual frequency rate can be used:

No of workers having one  
or more spells of absence

\_\_\_\_\_ x 100 = Individual frequency rate

No 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:

$$\frac{16}{80} \times 100 = 20\%$$

The individual frequency rate was:

$$\frac{12}{80} \times 100 = 15\%$$

### **What use can you make of absence calculations?**

It can be beneficial to be able to quantify average absence levels when producing future business plans and financial forecasts.

For many organisations the cost and disruption of recurrent, short spells of absence are greater than for occasional, longer periods of absence which can often be planned for. The formula developed by the University of Bradford highlights repeated short-term absence by giving extra weight to the number of absences. It is given by the formula:

Index (I) = S<sup>2</sup>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 x 2 x 80 = 320

Worker with six periods of absence totalling 10 days (80 hours):  
I = 6 x 6 x 80 = 2880

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

### **Step 3**

#### **Analyse absence levels**

When you have calculated levels of absence you should be able to identify whether there is a problem in the whole of your organisation, in particular areas, or with certain employees.

You will need to consider:

- which sections or shifts are affected?
- whether particular groups are affected – for example, one sex, age group or ethnic minority?
- the type of absence involved – certificated or self-certificated?

You may wish to compare your absence levels with the national average, and with organisations similar to your own, in order to see how serious the problem is and to decide whether action is needed. Figures for other organisations may be available through local employers' groups, such as Chambers of Commerce. National surveys of absence are carried out from time to time by bodies such as the Confederation of British Industry and the Work Foundation.

The Labour Force Survey (LFS) prepared by the Office of National Statistics (ONS), provides information about workers' absences from work caused by sickness or injury. Enquiries can be made through the Labour Market Helpline on 020 7533 6094.

Make sure that comparisons are valid. Differences in definitions, such as the inclusion or exclusion of overtime or holidays in the total potential time available, can seriously affect the value of the exercise.

Analysing absence levels will enable you to identify individual employees who have a lot of absence and whose problems need to be addressed. However, before taking disciplinary action against employees try to find out the underlying causes of their absence and investigate whether there are measures the organisation can take to alleviate any problems. Also, remember that employees have certain statutory rights:

- if the absences are pregnancy-related
- where the employee has a disability.

Train managers to look for underlying causes of absence.

#### Step 4

##### Set up an absence policy

Set up an absence policy so that your managers know how to deal with absence and so that employees know where they stand. It is beneficial to involve managers, employees and their representatives when you are devising such a policy. A joint working group chaired by an Acas adviser can help you to do this.

Further information can be obtained from the Acas helpline on 08457 47 47 47.

This policy may be included in a company handbook, contained in employees' written statements of employment particulars or posted on noticeboards. The following pages give an example of an absence policy which outlines what you should do in the event of short-term and long-term absence.

This example absence policy is for guidance only and should be adapted to suit the needs of your organisation.

##### Example of an absence policy

	<b>Comments/guidance notes</b>
<b>Introduction</b>	Set out here the purpose and principles of the policy, along with any definitions of terms. Use straightforward language and write directly to employees, using 'you' rather than 'the employee'.
<p><b>1. Principles</b></p> <p>The purpose of this policy is to set out what treatment you can expect from the Company if you suffer sickness or injury or if you are absent from work for other reasons.</p> <p>Your attendance is important to the business and is monitored. This policy identifies points at which the Company will take action if your sickness absence reaches unacceptable levels.</p> <p>The overriding aim is to ensure a healthy, productive workforce, not to punish you for being unwell. However, the Company</p>	<p>You should be aware of the health and safety implications in the event of an accident at work. For more information contact the Health and Safety Executive's Infoline on 0845 345 0055.</p> <p>More information on 'trigger points' is given in Section 6 of this policy.</p> <p>It is important to outline clearly the aims of the policy and to stress the effects on the business of high levels of absence.</p>

<p>cannot ignore the effects on the services and on other employees of lateness or absence from duty, whatever the cause.</p>	
<p><b>3. Statutory Sick Pay</b></p> <p>You are entitled to Statutory Sick Pay (SSP) when you are absent from work due to sickness.</p> <p>The main features of the scheme are:</p> <ul style="list-style-type: none"> <li>• The first three days of incapacity are unpaid (called 'waiting days')</li> <li>• Further sickness is paid at the rate of £72.55a week (2007 figure revised annually in April) for up to 28 weeks.</li> <li>• Once SSP is exhausted, an employee normally transfers onto benefits, paid directly by the DWP.</li> <li>• If two periods of sickness are separated by less than eight weeks (56 days) then they are linked and the employee need not serve the waiting days again.</li> </ul>	<p>An employer must operate the Statutory Sick Pay (SSP) scheme as a minimum. In order to qualify for SSP an employee must have done some work for the employer and be earning at least £87 a week (2007). More information on qualifying for SSP is available from Her Majesty's Revenue and Customs <a href="http://www.hmrc.gov.uk">http://www.hmrc.gov.uk</a> or phone the employer's helpline on 08457 143 143.</p>
<p><b>4. Sickness whilst on holiday</b></p> <p>If you are sick whilst on holiday the Company will consider any requests to change arrangements. However, the Company reserves the right to insist that you still take your previously-booked annual leave and to pay holiday pay accordingly. Sick pay will not be paid for periods where you are receiving holiday pay.</p> <p>If you wish to cancel any booked leave and use the entitlement at another time then you should inform your line manager as soon as possible. The Company will then decide whether to allow the change and will inform you as soon as possible.</p>	<p>If an employee is sick during a period of annual leave (or if a period of annual leave falls whilst an employee is off sick) he or she cannot receive both sick pay and holiday pay for the same period of time. It is prudent to outline a policy to ensure both employer and employee are aware of how such a situation will be handled. The Company could allow employees to cancel their leave and take it at another time.</p>
<p><b>5. Company sick pay scheme</b></p> <p>Some information on company sick pay schemes is given in Appendix 2.</p>	<p>Many employers pay sickness benefit over and above the SSP entitlement in order to attract and retain good staff.</p> <p>A company sick pay scheme that is funded through an insurance policy may require that medical information is sought in certain cases. If the Company chooses to exercise its discretion then it may have to fund sick pay directly if the insurance policy will not pay. It may be appropriate to refer to the insurance policy terms and conditions within this policy, attaching a copy of the relevant terms.</p>

<p><b>6. Short-term absence</b></p> <p>Your manager will formally review your absence record if in any three month period there are three separate periods of absence (whether these are certificated or not), or if there is an unacceptable pattern of absence, for example, regular time off on Mondays or Fridays.</p>	<p>Frequent spells of short term absence are troublesome and costly to employers because of their unpredictability. Tighter monitoring procedures which help to control such absences can also improve overall efficiency.</p> <p>The organisation has to decide at what stage absence levels become 'unacceptable'. Some organisations have set up systems where managers are alerted to an individual's absences through the use of 'trigger points'. Remember the trigger is for investigation not for automatic sanctions such as a warning.</p>
<p><b>7. Long-term absence</b></p> <p>'Long-term absence' is a period of sickness which lasts longer than two calendar weeks.</p> <p>The Company takes a sympathetic view about genuine ill-health problems and will provide a supportive approach to all employees in such circumstances.</p> <p>Your line manager will monitor your absence and will counsel you through a period of sickness absence. If, after discussion, it appears that you are likely to be away from work for more than four weeks, your manager will telephone you every fortnight and visit your home every month. These arrangements may be varied by agreement. Home visits will not be made without the employee's consent.</p> <p>(Home visits should always be made by the manager and another Company representative. Where the employee is female one of the Company representatives should also be female.)</p> <p>The Company will make contact to find out the reason for your sickness (including requesting medical information where appropriate), the likely duration of your sickness and if there are any steps that the Company or you can take to speed your return to work.</p> <p>Ultimately, if absence does reach problematic levels then the Company may have no choice but to dismiss you. The point at which this action may be taken will depend on the nature of your work and the difficulty caused to the company by your continued absence. Dismissal will be regarded as a last resort and the company will try to ensure that the following criteria are fulfilled:</p> <ul style="list-style-type: none"> <li>- Relevant medical information is sought and considered.</li> <li>- Options for alternative duties or working arrangements are examined.</li> </ul>	<p>There is no universally accepted definition of 'long-term absence' but it is good practice for each organisation to have its own definition.</p> <p>If an employee is off sick for an extended period then action should be taken to ensure that the lines of communication remain open and that adequate steps are being taken to ensure the employee's prompt return to work. The example policy sets out actions that could be taken in such a situation, the definitions of long-term absence and of the actions to be taken.</p> <p>Possible options could include:</p> <ul style="list-style-type: none"> <li>• Lighter duties</li> <li>• Altered hours</li> <li>• Purchase of specialised equipment</li> <li>• Alternative work</li> <li>• Flexible working.</li> </ul> <p>A dismissal in these circumstances should not come 'out of the blue', it should be the final step in a consultation process.</p> <p>For more information on the statutory Discipline and Dismissal Procedures see <a href="http://www.dti.gov.uk/">http://www.dti.gov.uk/</a></p>

<p>- Your views will be taken into account.</p> <p>Before any dismissal the company will comply with any applicable statutory dismissal procedure.</p>	
<p><b>6. Return to work interviews</b></p> <p>When you return to work from any absence (excluding holidays) your line manager will interview you on the first day you return or as soon as reasonably practicable after that. They will check that you are fit to return, update you on any important matters you have missed and may discuss your absence record if appropriate.</p>	<p>Return to work interviews help to ensure that employees are aware that their absence has been noticed and their attendance is valued. It also allows managers to discover any underlying problems that are causing the absence and try and solve them before absence reaches problematic levels.</p>
<p><b>7. Medical information</b></p> <p>If your absences reach excessive levels, the Company may require medical information about your condition from your GP and/or a specialist practitioner of the Company's choosing.</p> <p>If the Company requires information from a specialist practitioner, the Company will pay for the examination and for any expenses that you incur.</p> <p>If the Company needs a report from your GP, the Company will comply with the Access to Medical Reports Act 1988, which requires that:</p> <ul style="list-style-type: none"> <li>- The Company obtains your written consent before we contact your GP.</li> <li>- You are given prior access to the report and can refuse the Company access to it if you wish.</li> <li>- You can ask your GP to alter the contents of the report if you feel it is inaccurate. If your GP does not wish changes to be made, you can ask your GP to attach a statement of your views to the report.</li> </ul> <p>However, you should be aware that if you refuse to supply relevant medical information the Company may have no choice but to make decisions about your likely return to work based on the information that is available.</p> <p>Therefore, it is in your best interests to disclose medical information.</p>	<p>Decisions about whether the employee is likely to return to work are far easier to make and will be more easily seen to be fair if they are made in the light of appropriate medical information. A doctor is the most qualified person to make judgments on medical issues and employers should refrain from making such judgments themselves wherever possible. An example of a letter to a GP requesting medical information about an employee is shown in Appendix 3.</p> <p>It is possible to get access to medical information with the appropriate consent from the individual employee.</p> <p>A copy of an employee consent form is shown in Appendix 4.</p> <p>It is often useful for an organisation to have a doctor (or occupational health specialist) who is familiar with the workplace and who can give an informed second opinion in any particular case. It may be a condition of medical insurance that such advice is sought regularly from company doctors.</p> <p>If advice is sought both from a doctor acting for the company and one acting for the employee then it is more likely that any accusations of bias can be avoided.</p>
<p><b>8. Promoting a healthy workforce</b></p> <p>The Company will give you the opportunity</p>	<p>Health programmes can pay for themselves through, reduced sickness absence and higher morale.</p>

<p>to attend regular health screenings. This can help pinpoint medical conditions early on and encourage you to lead a healthy life style.</p> <p>The Company has also arranged for discounts for employees at local health clubs.</p>	
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**Step 5**

**Managing absence**

Line managers have a key role to play in tackling the problem of absence and should be assessed on how effectively they deal with absence. They are:

- best placed to know an individual's circumstances and are more likely to be aware of problems at an early stage
- responsible for making sure employees know the correct absence procedures
- the first point of contact when employees are off work
- in a position to uncover any underlying causes or problems and to help employees with phased return from long-term sickness absence
- responsible for recording and monitoring absence on a day-to-day basis
- involved in the disciplinary aspects of absence.

In most organisations line managers complete absence returns, which are collated and fed back to them. Statistics are generally provided on a monthly basis, calculated for the organisation as a whole and broken down into departments, units or cost centres. Regular feedback is vital if managers are to know how effectively they are monitoring and managing absenteeism.

Employers can help managers in this role by ensuring that they have a clear idea of company policies and are trained to deal with absence issues. Acas can provide in-company training on absence issues. Visit the our free e-learning module on Absence.

An absence management policy enables employers to deal with absence on a structured basis, tackling problems before they get out of hand. The following example should be adapted to meet the needs of your organisation.

Dealing with absence – an aide memoire for managers

<b>The manager's role in absence</b>	<b>Comments</b>
<ul style="list-style-type: none"> <li>• Know when your staff are late, absent or sick.</li> <li>• See staff after each occasion of lateness or sickness.</li> <li>• Maintain frequent contact with staff who are sick.</li> <li>• Encourage good attendance. Praise the positive, don't just criticise the negative. Identify staff with irregular attendance records.</li> <li>• Look out for patterns of absence (eg Monday or Friday, attached to holidays or school holidays, monthly/annual pattern).</li> <li>• Try to find out about the employee's domestic circumstances - there may be problems at home which are</li> </ul>	<p>It is important that managers examine all reasonable options when dealing with persistent absence. If an employee's family situation, transport arrangements or other personal circumstance is/are the root cause of the absence then it may be possible to improve the employee's attendance levels by introducing more flexible working arrangements.</p> <p>There are a number of rights available to employees with young families and employees who may use these rights to better organise their work-life balance and avoid unnecessary absence. More information is given in Appendix 1. Acas may be able to help with drawing up a flexible working policy, call the helpline on 08457 47 47 47.</p> <p>Line managers are the key to managing absence and</p>

<p>affecting his or her attendance.</p> <ul style="list-style-type: none"> <li>• Consider whether it is possible to change to more flexible working patterns to improve the employee's attendance record.</li> <li>• Make sure employees follow the correct absence procedures.</li> <li>• Be aware of any known medical history.</li> <li>• Make sure that employees know the standards expected of them.</li> <li>• Do not rush into taking formal disciplinary action. Carry out an investigation and if necessary, give an 'informal' warning about an employee's absence levels. If this fails to improve things, then use the disciplinary procedure.</li> <li>• Where you are unsure, seek advice and guidance.</li> </ul>	<p>they should receive training to help them to deal with these issues. Training should deal with:</p> <ul style="list-style-type: none"> <li>• increasing awareness and acceptance of managers' responsibilities for counselling staff on their return from absence</li> <li>• developing interview skills specifically for probing the reasons for absence</li> <li>• the formal procedure to be followed</li> <li>• handling disciplinary and grievance issues</li> <li>• knowing where to find further guidance.</li> </ul> <p>The line manager should be the first point of contact when employees are off work.</p> <p>Many companies claim that return to work interviews have the most impact in reducing absence levels. Managers should interview all employees on their return to work after all absences, irrespective of length. This establishes the reason for the absence and whether the illness is likely to recur. An employee's absence record should be available for reference during a return to work interview to inform the discussion if necessary.</p>
<p><b>Sickness absence</b></p> <p>When staff initially 'phone in sick, ask:</p> <ul style="list-style-type: none"> <li>• what are the symptoms?</li> <li>• have you been to the doctor?</li> <li>• has any medication been prescribed?</li> <li>• when do you expect to return to work?</li> <li>• what is your current phone number/contact address?</li> </ul>	<p>In the case of some employees who have long periods of sickness absence you may have to consider carefully whether they will ever be capable of doing their jobs again. Sometimes, you may conclude, on taking advice, that there is little prospect of an improvement in the employee's health and that you may have no other option but to consider dismissal.</p> <p>If this is the case you must:</p> <ul style="list-style-type: none"> <li>• consult with the employee</li> <li>• warn the employee that his or her job may be at risk</li> <li>• make sure you have a clear absence policy and stick to it; follow a proper procedure</li> <li>• consider whether you could make adjustments to the working environment to help the employee return to work</li> <li>• investigate whether alternative work is available</li> <li>• get medical advice on the employee's condition</li> <li>• in making a decision whether to dismiss, weigh up the needs of your business and the rights of the employee.</li> </ul>
<p><b>Return to work interviews</b></p> <p>Interview employees after <b>each</b> spell of absence or lateness.</p> <p><i>During the interview</i></p> <ul style="list-style-type: none"> <li>• Find out the reasons for the absence.</li> <li>• Let the employee know that he or she was missed.</li> <li>• Update the employee on any developments that have occurred during his or her absence.</li> </ul> <p><i>Ending the interview</i></p> <ul style="list-style-type: none"> <li>• <i>Let the employee know what improvement is required (if any).</i></li> <li>• <i>Let the employee know what the consequences will be if they fail to improve.</i></li> </ul>	<p>Ensure that you adopted a fair procedure and, as a minimum, followed the statutory requirements of the Statutory Discipline and Grievance procedures. More information on these procedures can be found at: <a href="http://www.dti.gov.uk/">http://www.dti.gov.uk/</a></p>

- Summarise the position to the employee, try to finish on a positive note.

Let the employee know what improvement is required (if any).  
After the interview

- Confirm in writing the points raised.
- Ensure follow up action is taken.
- Monitor the employee's attendance closely.
- Keep the employee informed of any action.

Confirm in writing the points raised.  
**Short-term certificated or uncertificated absence.**

*First notification of irregular attendance - informal stage*

Always ensure that an employee understands the Company standard on attendance by dealing with a first offence with an informal warning.

#### **How to manage long-term absence?**

Some of the issues to be considered in such cases are:

- 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?
- has the company sought medical evidence, either from the employee's GP or from the Company Doctor?
- how long has he or she been working for the organisation in the view of the worker's general practitioner, 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 re-training if necessary?
- could rearrangement of duties within the work group produce

<p>a more suitable job?</p> <ul style="list-style-type: none"> <li>• can early retirement, perhaps with an enhanced pension or an ex-gratia payment, be offered to the worker?</li> <li>• have all possibilities been discussed with the worker and his or her representative?</li> </ul>	
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### Appendix 1: the legal position

The following legislation will affect your policies on absence:

#### The Disability Discrimination Act (DDA) 1995

The DDA places additional responsibilities on employers where the employee suffers from a disability. In practical terms this means that if an employee is persistently absent because of ill health then you should consider making adjustments to an employee's working environment in order to accommodate him or her. Even if the employee's condition does not fall under the definition of a disability, it is advisable to see what can be done to improve the attendance and productivity of an employee.

Possible adjustments include:

- making adjustments to premises
- reallocating work
- transferring someone to another post or place of work
- being more flexible about hours, possibly allowing additional time off work for rehabilitation, assessment or treatment
- providing training
- providing specialised equipment
- making instructions and manuals more accessible
- using a reader or interpreter
- providing more supervision.

The requirement is for 'reasonable' adjustments. What is 'reasonable' depends on the individual situation and the size and resources of the organisation. For example, it may not be practicable to fit lifts in a building for the use of one employee because the costs could be prohibitive. In this case, it might be more reasonable to resolve the problem by changing the employee's workstation to a more accessible location.

#### Statutory Sick Pay (SSP)

Under the Social Security Contributions and Benefits Act 1992, all employers are required to pay Statutory Sick Pay (SSP). Information on the detailed requirements of SSP can be found at [www.hmrc.gov.uk](http://www.hmrc.gov.uk) or on 08457 143 143.

#### The Data Protection Act 1998

Under this Act workers can access their personnel records (including absence records) and request that errors be put right. They can also claim compensation for damage caused by any breach of the Act. More information on these procedures can be found at: [www.ico.gov.uk](http://www.ico.gov.uk).

#### Unfair dismissal

If you decide to dismiss an employee, you must follow a minimum statutory disciplinary procedure:

- the problem must be set out in writing and given to the employee
- you must meet the employee at a pre-arranged time to discuss the problem

- you must allow an appeal if requested.

If you dismiss without complying with the procedure, it will be automatically unfair dismissal, with minimum compensation of four weeks' pay provided the normal qualification period of continuous employment, currently one year, has been completed.

### Flexible working

There are a number of rights available to employees with young families and employees may use these rights to balance home and work life and avoid unnecessary absence. It may benefit the organisation to extend these rights to workers who do not currently qualify for the rights if it means that the attendance records of these workers will be improved.

The main rights available are listed below. Further information can be found in various publications available on the DTI website [www.dti.gov.uk](http://www.dti.gov.uk) including:

- New laws for working parents: key information for employers
- Flexible working the right to request: a brief summary
- Parental leave: a guide for employers and employees
- Family emergency? Your right to time off.

### Appendix 2: Company sick pay schemes – a checklist

Here is a list of factors you will need to consider when drawing up a company sick pay scheme.

Who is covered?	Comments
<ul style="list-style-type: none"> <li>• A single scheme for all staff?</li> <li>• Separate schemes for different groups of staff, such as hourly paid and salaried workers?</li> <li>• Part-time workers and fixed-term employees?</li> <li>• Should employees have to complete a certain length of service before they qualify for sick pay?</li> <li>• How long should the waiting period be?</li> </ul>	<p>Under the Fixed-term Employees Regulations these employees should receive no less favourable treatment in regard to sick pay, unless differential treatment can be objectively justified. Part-time workers have the same entitlement to contractual sick pay on a pro-rata basis.</p> <p>The waiting period can vary from one week to a year.</p> <p>The maximum amount payable under occupational sick pay schemes varies enormously. Full pay is generally deemed to include SSP.</p> <p>It is very common for maximum sickness pay entitlements to be linked to an employee's length of service.</p>
<p><b>What level of benefit should be paid?</b></p> <ul style="list-style-type: none"> <li>• For how long does the employee receive full pay?</li> <li>• After what period is sick pay reduced, perhaps to half pay?</li> <li>• Should sick pay entitlements be linked to an employee's length of service?</li> <li>• Should the level of benefit be linked to absence records?</li> <li>• Should the company give special treatment to employees under certain circumstances?</li> <li>• Should sick pay be calculated over a calendar year or on a rolling period?</li> <li>• Once an employee has</li> </ul>	<p>For example some companies discount absences resulting from injury or disability sustained whilst at work.</p> <p>Using the rolling period approach, the employee's entitlement would be calculated from his or her first occasion of absence.</p> <p>The period can range from a week to a year.</p> <p>The use of 'waiting days' is seen as a way of reducing short, certificated spells of absence.</p> <p>However, it may encourage employees to attend when they are not fit for work.</p> <p>There is no legal obligation on employers to provide enhanced sick pay for injuries which are sustained at work. Although such measures can improve employee</p>

<p>exhausted his or her entitlement to company sick pay, how long must an employee be back at work to be eligible for additional company sick pay?</p> <p><b>Should sick pay be suspended during the first few days of sickness?</b></p> <ul style="list-style-type: none"> <li>• Some sick pay schemes withhold sick pay for the first few days of absence.</li> <li>• The most common practice is to not pay sick pay for the first three days of sickness absence.</li> <li>• An alternative is to have a sliding scale, according to the individual's absence record.</li> </ul> <p><b>What should happen if the absence is due to workplace injuries?</b></p> <p>If the injury was not the fault of the employee then the Company could extend the normal Company sick pay entitlement.</p> <p><b>What should be the notification and certification procedures?</b></p> <ul style="list-style-type: none"> <li>• When should the employee notify the company of his or her sickness?</li> <li>• By a certain time of the day (such as 10.00 am)?</li> <li>• Prior to the employee's starting time so that suitable cover can be arranged?</li> <li>• Employers should ask the employee for details of the illness or injury and when he or she expects to return to work.</li> <li>• How often should the employee contact the employer whilst he or she is sick?</li> </ul> <p><b>What should be the exclusions?</b></p> <ul style="list-style-type: none"> <li>• When employees fail to follow the company's notification or certification procedures?</li> <li>• Fraudulent or suspect claims?</li> <li>• Persistent absenteeism?</li> <li>• Injury sustained while engaging in competitive or professional sport or when</li> </ul>	<p>relations and reduce the prospects of employees taking legal action against the Company.</p> <p>Employers should check any terms of their insurance that may cover injuries at work to ensure that their policy is in compliance.</p> <p>Information on accident reporting and record keeping can be obtained from the Health and Safety Infoline on 0845 345 0055.</p> <p>Under SSP rules, self certification is required only after the first day of absence. But many companies insist that employees complete a self-certification form for company sick pay purposes, from the first day of absence. A model self-certificate SC1 is produced by the Inland Revenue and can be found at <a href="http://www.hmrc.gov.uk">www.hmrc.gov.uk</a>.</p> <p>Some organisations have disputes procedures to decide on exclusions – if agreement cannot be reached.</p> <p>Many organisations do allow their employees to take their holidays at a later date but require the employee to present a doctor's certificate and follow normal certification and notification procedures.</p>
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<p>working for another employer?</p> <ul style="list-style-type: none"> <li>• Failure to consent to medical examinations?</li> <li>• Self-inflicted injury or sickness</li> <li>• Employee misconduct at work</li> <li>• Employee negligence.</li> </ul> <p><b>What should be the arrangements for reclaiming holiday pay if the employee becomes sick whilst on holiday?</b></p> <ul style="list-style-type: none"> <li>• Can employees receive sick pay and reclaim their annual leave?</li> <li>• Should employees be allowed to take their holiday at a later date?</li> </ul>	
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### Appendix 3: Example of a letter to a GP requesting information

Dear Dr xx,

We would like to ask you to prepare a medical report on Mr (xx), who is a patient of yours. The purpose of the report is to assess the potential for the employee's recovery and return to work in the near future.

We have included the employee's signed consent and we undertake that all rights under the Access to Medical Records Act 1988 were explained in a letter sent to the employee with the consent form.

Their work includes:

- administration duties
- store keeping
- light lifting.

I have your patient's permission to enquire:  
What is the likely date of return to work?

At the time of return will there be any disability and how long might it last?

Is the employee considered by you a disabled person for the purposes of the Disability Discrimination Act 1995?

If alternative employment is an option are there any specific recommendations you would wish us to consider, such as not stacking high level shelves?

Do you expect that your patient may be under medication when they return to work, and if so could you indicate whether this would affect his/her ability to undertake their duties as they have been explained to you?

I would be grateful for an early reply. Please contact me on the above number should you have any queries. Please attach your account for your report, set at the BMA recommended scales.

Thank you for your assistance in this matter.

### Appendix 4: Example of consent to a medical examination

The reasons for a medical examination have been explained to me. I have read an explanation of the Access to Medical Reports Act 1988 supplied to me by my Manager.

I consent/I do not consent to a medical report being prepared following the medical examination and/or assessment by a doctor of my employer's choice.

I will inform my Employer should I require access to any medical report which is prepared following the medical examination/assessment prior to it being sent to the Employer.

Signed .....

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