

Absence from work

1. Reasons for absence

Apart from annual holiday entitlement, an employee might need time off work for reasons including:

- short-term and long-term sickness, including mental health conditions
- helping a child, partner or relative
- bereavement
- medical appointments
- pregnancy-related illnesses and appointments, including IVF
- bad weather conditions, making travelling to work difficult or impossible

Each workplace might have different rules on what they see as acceptable reasons for absence and what they will pay.

For this reason, every workplace should have its own absence policy, so it's important to check this.

What an absence policy should cover

An absence policy should make clear exactly what's expected from both the employer and employee if the employee needs to take time off work.

An absence policy should include:

- how to report absences, including who the employee should contact and when
- when the employee needs to get a [sick note](#)
- when [return to work](#) discussions will be held and with who
- how and when to [keep in touch](#)
- how the employer [keeps track of absence](#) and if they set any review or 'trigger' points
- whether the employer provides occupational health or an employee assistance programme (EAP) and when this starts
- how much the employee will be paid and for how long – [see more on sick pay](#)

If your workplace does not have an absence policy, the employee can ask their employer or HR manager what to do if they need time off work. The employer should follow best practice as outlined in this guide.

There are some areas that are covered by law, for example:

- [statutory sick pay \(SSP\)](#)
- [sick notes](#) ('fit notes')
- time off to help dependants

Taking time off to help someone else

By law, anyone classed as an [employee](#) has the right to take to take time off work to help someone who depends on them (a 'dependant') in an unexpected event.

How much time off can be taken for a dependant

The law does not say how much time can be taken off, or how many occasions. It simply says the amount should be 'reasonable'.

It's a good idea if the employer is as flexible as they can be, depending on the employee's circumstances.

Who counts as a dependant

An employee's dependants can include:

- their spouse, partner or civil partner
- their child
- their parent
- a person who lives in their household (not tenants, lodgers or employees)
- a person who would rely on them for help in the event of an accident, illness or injury, such as an elderly neighbour
- a person who relies on them to make care arrangements

When it's appropriate to take time off for a dependant

The employee can take time off if they need to:

- help a dependant who is ill, has been injured or assaulted, or gives birth
- arrange care for a dependant who is ill or injured
- deal with the [death of a dependant](#)
- deal with an incident involving their child during school hours

Pay

Time off for a dependant is unpaid, unless your workplace has a policy that it's paid.

Extra rights in your workplace

Your workplace might offer employees more entitlements for dependants than these minimum statutory rights, so it's a good idea to check.

Difficulty getting to work due to bad weather or travel disruption

If an employee cannot get to work or is going to arrive late because of bad weather or transport problems, they should tell their employer as soon as possible.

There is no legal right for an employee to be paid for working time they've missed because of bad weather or travel disruption.

Some workplace policies might have different rules, so it's a good idea to check.

Fit notes used to be called sick notes. A fit note is an official written statement from a doctor giving their medical opinion on a person's fitness for work.

They might also make recommendations for how the employer could support the employee.

Whether you need a fit note depends on the length of sickness absence.

2. Off sick for 7 days or less

If someone is absent due to sickness for 7 calendar days or less (including weekends), they do not need a fit note.

This means they tell their employer they're not well enough to work and do not need to provide any further medical evidence.

This is called 'self-certifying' their sick leave. They should still be paid the amount of sick pay that's in their contract.

Off sick for more than 7 days

If someone has a period of sickness absence for longer than 7 calendar days (no matter how many days they work each week), then they should get a fit note from their doctor.

Getting a fit note

If the employee knows they're likely to be off sick for longer than 7 days, they should try and get the fit note to their employer on the 7th day of sickness absence.

Doctors cannot provide a fit note before the 7th day of absence.

If there's a delay getting a fit note, for example difficulty booking a doctor's appointment, the employee should contact their employer and explain.

What a fit note says

A fit note will say the employee either:

- is not fit for work
- might be fit for work

Where the doctor says the employee might be fit for work, they can give details of what level of work they consider the person is able to do.

They might say the employee is fit for work in general, but not for a specific task.

For example, a factory employee with a back injury might be able to come back to work to do light tasks, but would not be able to do any heavy lifting.

The doctor might suggest in the fit note ways the employer can help their employee get back to work. For example:

- a ['phased' return to work](#) where they might come back for a limited number of hours or days a week to start with
- flexible working
- different duties
- making changes to their workstation or working pattern (['reasonable adjustments'](#))

The employer should carefully consider any fit note recommendations as they can help the person get back to work quicker.

If it's not possible for the employer to do anything the doctor has recommended, the fit note will change from 'might be fit for work' to 'not fit for work'. There is no need to get another fit note.

Some workplaces might have an occupational health scheme or employee assistance programme (EAP) to help the [return to work](#) process.

If the employee has a disability, by law the employer must consider making reasonable adjustments to help them return to work and carry out their job.

When an employer can ask to see an employee's medical records

An employer can ask for a doctor's report about their employee's health if it's needed to stick to the law. For example to:

- assess whether the employee is fit to carry out their work
- prevent health and safety risks
- prevent disability discrimination

The employer can only do this if the employee agrees.

The employee can also:

- ask their doctor not to give information they think could be damaging or is not relevant
- ask to see the doctor's report first
- not agree to the doctor's report being shared with their employer if they disagree with what it says

If the employee does not wish the employer to see their medical information, the employer will have to make a decision based on what they know and are told by the employee.

[Download a template letter to an employee's doctor.](#)

Keeping information confidential

Any guidelines on privacy and personal information should be in the employer's privacy notice under the General Data Protection Regulation (GDPR).

For more information on GDPR, see the [Information Commissioner's Office \(ICO\) website](#).

Any information the employer does get about an employee must be stored and kept confidential. Only appropriate senior and involved members of staff should have access to the information.

The employee should be kept informed of how their records are being stored or used. The employer should let them know from the start how to withdraw their consent if they later wish to.

If an employee is unhappy with how their confidential information has been handled, they can [raise this with their employer](#).

If the employee is unhappy with how their absence has been handled

If the employee feels their absence or sick pay was not handled fairly or correctly, they can [raise the issue with their employer](#).

Related content

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[Download a template letter to an employee's doctor](#)

If someone needs time off because of a mental health issue, it's important to [take the matter seriously and be supportive](#).

You should also:

- [check how your workplace deals with absence](#) to find out how the absence should be managed
- [keep in touch](#) during the absence

Remember that the amount of time off needed can vary, depending on:

- how severe the issue is
- the person affected (everyone's experience of a mental health issue is different)

The employee might need continued support or time off after they [return to work](#).

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It's important that both the employer and employee stay in regular contact during absence, especially if it's long term.

They should agree:

- how often the contact should be
- if the contact is to be by email, phone or face-to-face meetings

- who the employee is to be in contact with – this might be their line manager, another manager or an HR manager

Keeping in contact is a good chance to:

- check on the wellbeing of the employee
- see if the employee needs any support
- talk about any relevant updates or changes happening at work

Where an employee's absence is due to a mental health condition, it's particularly important to consider whether less or more frequent contact is most appropriate.

[See more on supporting someone with a mental health issue.](#)

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Unauthorised absence is when someone does not come to work and gives no reason for their absence or does not contact their employer.

Other terms people might use include:

- 'AWOL' or absent without leave
- absent without permission

The employer should try to contact the absent employee as soon as possible, including using any emergency contact they have.

If contact cannot be made, the employer should discuss the absence with the employee when they come back to work.

If the employee cannot provide good reason for the absence and lack of contact, the employer might consider [further investigations for possible disciplinary action](#).

If the employee is struggling to attend work

The employer might consider [formal action](#) if their employee:

- keeps taking sick leave or being late (some HR systems have 'trigger' points to keep track of attendance records)
- has unauthorised absences
- seems to have trouble doing their job

[Download an absence record template](#).

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When someone is ready to return to work after an absence, the employer should have a procedure they follow. You can check your workplace's absence policy for this.

Your workplace might have a policy for meeting with employees after absences.

4. After long-term absence

If there's been a long absence or the employee has an ongoing health condition, it's a good idea for the employer and employee to meet and:

- make sure the employee is ready to return to work
- talk about any work updates that happened while they were off
- look at any recommendations from the employee's doctor
- see if they need any support
- if the employee has a disability, see if changes are needed in the workplace to remove or reduce any disadvantages ('reasonable adjustments')
- consider a referral to a medical service such as occupational health
- discuss an employee assistance programme (EAP), if it's available
- agree on a plan that suits you both, for example a phased return to work

Making reasonable adjustments

If an employee has a disability, by law their employer must consider making 'reasonable adjustments' if needed to help them return to work.

Reasonable adjustments could include making changes to the employee's:

- workstation or working equipment
- working hours
- duties or tasks

This can help:

- get people back to work quicker
- prevent any further problems

For the best course of action, the employer should take advice from:

- the employee themselves
- the employee's doctor
- their [occupational health](#) adviser

[Find out more about reasonable adjustments.](#)

Phased return to work

A 'phased return to work' is when someone who's been absent might need to come back to work on:

- reduced hours
- lighter duties
- different duties

For example after a:

- long-term illness
- serious injury
- bereavement

The employer or their HR manager and the employee should agree on a plan for how long this will be for.

For example, they could agree to review how things are going after a month and then decide to increase the working hours or duties, or they might decide they need to stay reduced for longer.

The employer or HR manager should continue to regularly review the employee's health and wellbeing in the workplace and make new adjustments if necessary.

Pay during a phased return to work

If the employee returns to their normal duties but on reduced hours, they should get their normal rate of pay for those hours they work.

For the time they're not able to work, they should get [sick pay](#) if they're entitled to it.

If the employee is doing lighter duties, it's up to the employer and employee to agree on a rate of pay. It's a good idea to make sure this agreement is put in writing.

When there are a lot of absences or the employee is struggling

If an employer is concerned that their employee has a lot of absences or is having difficulties doing their job, they might need to look at the next steps.

For example, your workplace might use a capability or performance management procedure to help the employee. This could involve mentoring or training.

[Find out more about how an employer might review sickness and absence.](#)

If an employee is unhappy with how their return to work has been handled

If an employee is unhappy with how their return to work has been handled, they should first [raise it with their employer](#).

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