Absence Management Guidelines & Procedure

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**1.0 Introduction**

*Purpose*

The organisation is committed to dealing fairly and sympathetically with employees who are absent from work for periods because of ill health. The organisation aims to assist employees on sick leave with their rehabilitation and return to work.

The organisation understands that an employee may have a health condition or injury that means that he/she is not fit for work, and that the employee's recovery may be a slow process. However, the organisation must also pay due regard to its operational needs. The absence of an employee on long-term or short-term sickness absence can damage efficiency and productivity and place an additional burden on the employee's colleagues. By implementing these guidelines, the organisation aims to strike a reasonable balance between the pursuit of its business needs and the genuine needs of employees to take occasional short or long periods of time off work because of ill-health.

The organisation will consider dismissing an employee on long-term sick leave only after it has made all reasonable and practicable attempts to support his/her return to work, including any reasonable adjustments if the employee has a disability.

The organisation may consider dismissing an employee for short-term frequent absences due to disruption and lack of reasonable improvements or reasonable reasons of absence.

These guidelines do not form part of employees' terms and conditions of employment and may be subject to change at the discretion of the management.

*Definitions*

The following definitions are used in this policy:

**"Period of sickness absence"** or **"instance of sickness absence"** means any continuous period of sickness absence, of whatever length, during which the employee does not return to work.

**"Long-term sickness absence"** means any period of sickness lasting 28 calendar days or more.

**"Short-term sickness absence"** means any period of sickness lasting one to 27 calendar days.

*Scope*

This policy covers both short term and long-term sickness absence.

Where an employee is on long-term sickness absence, but returns to work for short periods, the organisation reserves the right to continue to manage his/her sickness absence under the long term policy procedure. This is to prevent the organisation from being required to switch between its procedure on long-term sickness absence and separate [procedure on short-term absence](https://www.xperthr.co.uk/policies-and-documents/short-term-sickness-absence-policy/160049/) solely on the basis that an employee has returned to work for a short period.

The organisation has other guidelines in place to deal with time off work for family dependants and compassionate leave these are also covered by the short term absence management procedure.

This policy is formulated on the assumption that, if the organisation suspects there to be misconduct, its [disciplinary procedure](https://www.xperthr.co.uk/policies-and-documents/disciplinary-procedure/16170/) will apply. For example, the organisation may take disciplinary action if there is evidence that:

* absence is not genuine or not for the reason provided;
* the employee is undertaking inappropriate activities while off sick, such as carrying out work for another organisation; or
* the correct sickness absence notification and evidence procedure has not been followed.

This policy applies to employees only and does not apply to contractors, consultants, agency workers or any self-employed individuals working for the organisation.

**1.1 Responsibilities**

*Guidelines for line managers*

Line managers should:

* require the employee to provide medical evidence for sickness of more than seven calendar days (with sickness of seven calendar days or less being self-certified);
* seek medical advice, if appropriate, to determine whether or not there is any underlying medical cause for the employee's absence;
* be particularly sensitive when absences are caused by personal or family problems;
* show a reasonable degree of tolerance and sympathy towards the employee's sickness absence, while at the same time doing what is possible to help the employee to return to work;
* check whether or not the employee's absence is in any way work related, for example as a result of workplace stress;
* obtain the employee's express consent before seeking a medical report on him/her, for example from the employee's doctor or occupational health advisers;
* keep confidential records of all absences, including discussions and medical certificates, and make sure that the records clearly identify the reasons for the employee's absence;
* be aware of the potential for discrimination when managing absence, particularly where the employee's ill health is related to pregnancy or disability;
* keep in mind the organisation's duty to make reasonable adjustments for disabled people when managing absence;
* consult with the organisation's HR department if unsure about anything or special circumstances arise, for example if it appears that the employee may have a disability; and
* conduct a return-to-work interview when an employee is returning to work following any long-term or short-term sickness absence.

*Guidelines for employees*

Employees should:

* Notify his/her line manager by telephone if he/she is ill or unable to attend work for any other reason. Notification should be as early as possible and in any event no later than one hour after the employee's start time. The employee should be prepared to state the reason why he/she cannot attend work, and how long he/she thinks the absence will last;
* Attend an interview with his/her line manager on return to work to discuss the absence and the reason for it. One of the purposes of this interview will be to establish whether or not the line manager can provide any support to the employee that could facilitate attendance at work in the future (for example, if the employee's absence was in any way work related);
* Complete and submit a self-certification form on return to work for all periods of sickness absence not exceeding seven days;
* provide medical evidence for sickness of more than seven calendar days (with sickness of seven calendar days or less being self-certified);
* continue to regularly keep in touch with their manager while unable to attend work;
* be honest with their manager about the reason (ie the nature of the illness or injury) why they cannot attend work and how long they think the absence will last;
* do what is possible to enable a return to work, for example by following medical guidance, taking steps recommended by doctors during rehabilitation and not undertaking any activities while on sick leave that could exacerbate the health problem;
* tell their manager of any extenuating circumstances, for example personal or family problems or an unmanageable workload;
* bear in mind that the organisation may ask for express consent to seek a medical report, for example from the employee's doctor or an occupational health adviser;
* cooperate with the organisation with regard to the possible implementation of any adjustments to job duties, hours or working conditions, particularly those suggested by a doctor.

**1.2 Medical evidence**

All sickness that lasts longer than seven calendar days requires medical evidence with sickness of seven calendar days or less being self-certified. This medical evidence will normally be in the form of a doctor's fit note, also known as a "statement of fitness for work".

If the employee is absent for eight calendar days or more, the employee's line manager must ensure that the employee provides a fit note from his/her doctor as soon as possible. A doctor's fit note may state that the employee:

* is "not fit for work", in which case the employee should remain off work; or
* "may be fit for work", if the doctor's recommendations are followed (for example, a phased return, amended job duties, altered hours of work, or workplace adaptations).

While there is no legal obligation on the organisation to follow the recommendations, managers should take what the employee's doctor has written seriously and give fair consideration - in consultation with the employee and HR department - as to whether or not any of the changes recommended by the doctor can be accommodated.

The fit note will state the period that it covers, with a section for a start and end date. An employee on long-term sickness absence who is not returning to work on the next working day after the end date must obtain a new fit note.

**Keeping in touch with the employee**

It is important that the organisation maintains contact with an employee on sickness absence to:

* monitor the employee's progress in terms of his/her return to health;
* support the employee and actively maintain his/her engagement with the organisation;
* provide information to the employee so that he/she may make informed decisions (for example, in relation to sick pay entitlement);
* encourage a return to work as early as possible;
* facilitate a phased return to work if required where possible, by making appropriate temporary or permanent adjustments;
* ensure that the employee remains informed about events in the workplace.

We have an emphasis that it is the employees responsibility to keep up contact, however the line manager will be encouraged to make contact where contact is lacking from the employee. Once the employee is on long-term sickness absence (ie once the employee has reached 28 days' continuous absence), the employee's line manager should contact the employee to agree the method and frequency of contact. Contact should be on a regular basis and at least weekly or fortnightly.

In some circumstances, contact with an employee on long-term sickness absence can be maintained via home visits. Home visits will take place only with the prior consent of the employee at mutually agreed times.

Home visits will be conducted by the employee's line manager or a HR manager. The line manager or HR manager will normally be accompanied by a representative from HR and/or occupational health. Where the employee is female, at least one of the visitors should always be female. The employee may be accompanied during the visit if he/she wishes, for example by a family member or an employee representative.

If the employee would prefer the organisation's representative not to visit him/her in the home, another location near the employee's home (such as a local cafe or leisure centre) could be mutually agreed.

The organisation will have separate [guidelines aiding the structure of a home visit to an employee on long-term sickness absence](https://www.xperthr.co.uk/policies-and-documents/policy-setting-out-the-structure-of-a-home-visit-to-an-employee-on-long-term-sickness-absence/153188/).

**Sick pay**

The organisation operates a contractual sick pay scheme that is more generous than statutory sick pay (SSP). This is regularly reviewed.

Eligible employees are entitled to statutory sick pay (SSP), the guidance and rules to Sick Pay are kept within the individual Principle Statement and the IMS Sick Pay Policy.

**Holiday during sick leave**

An employee who is absent on sick leave will continue to accrue his/her statutory holiday entitlement and will be given the opportunity to take this at a later date, if he/she does not take the statutory holiday entitlement due to being on sick leave.

On occasion (once a 12 month period) an employee on sick leave may apply to take his/her holiday entitlement while on sick leave. The holiday dates must be approved in accordance with the procedure requesting annual leave.

**Medical advice**

*Occupational health referrals*

At various stages of managing the employee's sickness absence, a manager may want to obtain advice on the employee's fitness for work from occupational health advisers including or in addition to a referral to the Fit for Work service, with the employee's consent being required for the referral.

Examples of when a line manager might refer to occupational health include to:

* seek a medical report on the employee, in which case the consent of the employee is needed;
* establish when the employee might be able to return to work;
* ask for guidance on the employee's condition, for example if there is a possibility that the employee is disabled or ambiguity as to the exact nature of the condition; and
* if the employee is disabled, discuss any adjustments that could be made to accommodate the employee's disability.

*Report from a medical practitioner who has been responsible for the employee's clinical care*

Where a report from the employee's medical practitioner is necessary, the employee will be fully informed of his/her rights under the Access to Medical Reports Act 1988 and his/her permission will be sought for the report to be obtained.

The employee's permission will be sought to contact the medical practitioner from the HR or the relevant OH department.

The employee has the right to access the report before the organisation sees it. If the employee wishes to see the report, he/she should inform the organisation of this, so that it can inform the medical practitioner.

When requesting a report, the organisation will provide the medical practitioner with as much information as possible on the role of the employee and explain why the report is being sought. The organisation will provide the medical practitioner with:

* a copy of the employee's signed form consenting to the request to seek a medical report;
* confirmation that the employee is aware of his/her rights under the Access to Medical Reports Act 1988; and
* details of the major features of the employee's job.

The organisation will ask the medical practitioner to identify:

* the nature of the employee's illness or injury;
* when the employee is likely to be fully fit to resume his/her normal duties;
* if the employee is unfit to resume his/her normal duties, what alternative duties he/she might be fit to undertake;
* when the employee is likely to be fit to undertake any alternative duties;
* what reasonable adjustments could be made to working conditions or work premises to facilitate a return to work; and
* the likelihood of recurrence of the illness or injury once the employee has returned to work.

Where the employee refuses permission for the organisation to contact his/her medical practitioner, the organisation will explain to the employee the reasons behind the request and inform the employee that a decision relating to his/her employment may be made without the benefit of access to medical reports. The same procedure will be followed where the employee delays in giving his/her consent.

Where the employee feels that the report is misleading or incorrect, he/she may ask the medical practitioner to amend it. If the medical practitioner does not agree with the employee and does not alter the report, the employee may attach a statement to the report to reflect his/her views.

Alternatively, having seen the report, the employee may request that access to the report be withheld from the organisation. The employee will be informed that a decision relating to his/her employment may be made without the benefit of access to medical reports.

*Report from a medical practitioner who has not been responsible for the employee's clinical care*

The Access to Medical Reports Act 1988 does not apply where the organisation is seeking a medical report from a medical practitioner who has not been responsible for the employee's clinical care, typically its own chosen specialist or occupational health adviser.

In these circumstances, the organisation is still required under the Data Protection Act 1998 to obtain the employee's express consent to its obtaining a medical report.

The organisation will explain to the employee in writing what information it is seeking on the employee's health and how the information will be used. The letter should explain to the employee:

* that the organisation intends to obtain a medical report and why it wishes to do so;
* from whom the report will be obtained; and
* what the organisation will do with the report.

The letter should be accompanied by the relevant [consent form](https://www.xperthr.co.uk/policies-and-documents/form-for-an-employee-to-consent-to-a-medical-report-being-obtained-where-the-access-to-medical-reports-act-1988-does-not-apply/110358/), available from the HR department.

If the employee consents, the organisation will write to the medical practitioner to request the report, enclosing a copy of the consent form. The letter should explain to the medical practitioner why the organisation is requesting the report, and ask any specific questions that it wishes the practitioner to answer.

Where the employee refuses permission for the organisation to obtain a medical report to which the Access to Medical Reports Act 1988 does not apply, the organisation will explain to the employee the reasons behind the request and inform the employee that a decision relating to his/her employment may be made without the benefit of access to medical reports. The same procedure will be followed where the employee delays in giving his/her consent.

**Return-to-work interviews**

When an employee is returning to work following long-term sickness absence, his/her manager should arrange to meet informally with him/her. Ideally, the return-to-work interview will take place prior to the employee's return to work, to allow time for any necessary adjustments to be made to the employee's working arrangements and conditions. If this is not possible, the return-to-work interview should take place on the employee's first day back at work. The return-to-work interview should take place in a private place, and all discussions between the employee and the manager should be private and confidential.

While the meeting can take place in the workplace, it may be that the employee's condition necessitates a venue that is away from the employee's place of work. For example, the employee's mobility may be restricted or an employee suffering from work-related stress may be uncomfortable with coming to work. The line manager should therefore be open to the meeting taking place in another location. This could be the employee's home (although only if the employee is comfortable with this) or a venue near the employee's home (such as a local cafe or leisure centre).

During a return-to-work interview after sickness absence, the manager should discuss:

* the arrangements for the employee's return to work, including any adjustments that are being made such as a phased return or homeworking;
* any medical issues of which the employer is not already aware, such as any updated guidance from the employee's doctor;
* what arrangements will be put in place to monitor the employee's progress; and
* to whom the employee should report if he/she has any difficulties with the arrangements;
* what work the employee will be doing on his/her return to work, including an outline of work during the employee's first week back.

After a long term absence it may be useful at the end of the return-to-work interview that the line manager and employee agree a meeting to monitor the employee's progress. Ideally; If the return-to-work interview takes place before the employee's return, this should be a short meeting on his/her first day back. If the return-to-work interview takes place on the employee's first day back at work, this meeting should be at the end of the employee's first week back.

**Special cases**

*Pregnancy-related absences*

Pregnant employees who are off work because of pregnancy-related ill health must abide by the organisation's absence reporting procedure. For example, a pregnant employee is subject to the usual notification and evidence requirements, and should be asked to attend a return-to-work interview when returning to work.

However, any sickness absence by a pregnant employee for a pregnancy-related reason should not be taken into account when checking if the need for formal action under the organisation's sickness absence management procedure has been triggered.

If the manager is in any doubt as to whether or not a pregnant employee's absence is related to her pregnancy, the manager should contact the HR department for clarification.

*Disability-related absences*

Where an employee gives as the reason for absence an underlying health issue that could amount to a disability under the Equality Act 2010, the manager must refer the employee to the HR department. This includes where the employee states that he/she is suffering from stress.

The legal definition of a "disability" is wide and managers should refer to [the organisation's guidance](https://www.xperthr.co.uk/line-manager-briefings/disability-discrimination/78681/) for further information. If in doubt, the manager should contact the HR department for clarification.

Managers should remember that the organisation is under a duty to make reasonable adjustments for disabled employees.

*Ill-health retirement*

Retirement on the ground of ill health will be considered where:

* it appears unlikely from the medical advice that an employee on long-term sickness absence will be able to return to his/her role;
* an employee voluntarily retires and
* he/she is entitled to a pension/lump sum under his/her pension scheme.

If ill-health retirement is raised as an option, the employee's line manager should advise him/her in the first instance to contact the administrator of the employee's pension scheme. This will allow the employee to find out whether or not he/she qualifies for, and the financial implications of accepting, ill-health retirement.

*Terminal illness*

Where an employee is suffering from a terminal illness, the organisation will endeavour as far as possible to accommodate his/her wishes and arrangements for him/her and his/her family. While the organisation will support employees who wish to continue working, employees with a terminal illness should bear in mind that there may come a time when they will be unable to continue working. In this case, the employee's line manager will discuss the options with the employee, with the support of the HR/occupational health department.

Terminally ill employees who choose to continue working should bear in mind that, while there is no obligation to inform the organisation or any of their colleagues about the illness, it is normally better to do so to allow the proper support to be provided.

**2.0 Long-Term Sickness Absence Management Procedure**

Line managers must be proactive in managing the absence of an employee on long-term sick leave. The following procedure applies to employees on long-term sickness absence.

The trigger points that are used when an employee is on long-term sickness absence are set out below. When applying these trigger points, the special rules that apply to pregnancy and disability (see [below](https://www.xperthr.co.uk/policies-and-documents/long-term-sickness-absence-policy/161159/?keywords=order+proceedings+stage+1+short+term+sickness+absence+meeting#specialcases)) must always be borne in mind. There are also special considerations when ill-health retirement is a possibility or the employee has a terminal illness (see [below](https://www.xperthr.co.uk/policies-and-documents/long-term-sickness-absence-policy/161159/?keywords=order+proceedings+stage+1+short+term+sickness+absence+meeting#retirement)).

The stages set out below are guidelines only. There are limited circumstances in which it will be appropriate for an employee to skip straight to the "stage 3" long-term sickness absence final meeting (see [below](https://www.xperthr.co.uk/policies-and-documents/long-term-sickness-absence-policy/161159/?keywords=order+proceedings+stage+1+short+term+sickness+absence+meeting#stage3triggerpoint)). For example, this could be the case where the medical advice is that the employee will never be able to return to work.

**Occupational health referral**

Once an employee has been absent for [28] calendar days, or as soon as it is confirmed that he/she will be absent for at least [28] days (for example, a fit note has signed him/her off for that period), his/her manager should contact the Fit for Work service.

The line manager should also contact the employee to advise him/her that the occupational health department will be in touch, with a view to the organisation seeking medical advice on the employee's prognosis and a plan for the employee to return to work. The employee's consent is required before the organisation seeks a medical report on the employee's health or contacts the Fit for Work service about him/her (see [above](https://www.xperthr.co.uk/policies-and-documents/long-term-sickness-absence-policy/161159/?keywords=order+proceedings+stage+1+short+term+sickness+absence+meeting#medicaladvice)).

**Stage 1**

*Stage 1 trigger point*

Once an employee has been absent for 28 calendar days, or as soon as it is confirmed that he/she will be absent for at least 28 days (for example, a fit note has signed him/her off for that period), his/her manager should contact the HR department to set up a "stage 1" long-term sickness absence formal meeting.

*Stage 1 invitation*

The meeting should be with the line manager and an HR representative/another manager. The line manager should contact the employee to agree a date, time and location for the meeting to take place, at a time that is convenient for the employee, line manager and HR representative/the other manager.

If the employee does not respond to efforts made to contact him/her, or does not cooperate with attempts to agree a time and place for the meeting, the line manager is entitled to set a time and place for the meeting without the employee's agreement.

While the meeting can take place in the workplace, it may be that the employee's condition necessitates a venue that is away from the employee's place of work. For example, the employee's mobility may be restricted or an employee suffering from work-related stress may be uncomfortable coming to work. The line manager and HR representative/other manager should therefore be open to the meeting taking place in another location. This could be the employee's home (although only if the employee is comfortable with this) or a venue near the employee's home (such as a local cafe or leisure centre).

Once the date, time and location of the meeting have been agreed, the line manager should write to the employee inviting him/her to the "stage 1" long-term sickness absence formal meeting. The employee should be given at least three days' notice of the meeting. The letter should explain to the employee the purpose of the meeting and advise the employee that he/she can be accompanied by a fellow worker or trade union official.

A few days before the meeting, the employee's line manager should contact the employee to confirm that he/she is still well enough for the meeting to proceed.

*Long Term Stage 1 meeting*

The "stage 1" long-term sickness absence formal meeting will be chaired by the employee's line manager, together with an HR manager/another manage to take notes of the meeting.

At the meeting, the line manager will:

* establish how the employee is doing and the likely length of his/her absence, bearing in mind the advice in the employee's fit note or medical report;
* discuss with the employee what steps can be taken to assist the employee in returning to work (for example, a phased return, amended job duties, altered hours of work, or workplace adaptations);
* explain to the employee his/her sick pay entitlement (and, if applicable, the possibility of making a claim under a permanent health insurance scheme, or similar insurance scheme); and
* confirm when the next contact will take place (for example, if the employee is undergoing an operation, a reasonable period after the operation has taken place).

*Stage 1 outcome*

After the meeting, the line manager will set out in writing what has been discussed at the stage 1 meeting. The letter, which should be provided to the employee within five days of the meeting, should include details of any steps or targets that have been agreed to help the employee to return to work, and any support that the organisation is providing for the employee.

**Stage 2**

*Stage 2 trigger point*

Once the employee is absent for three months, or as soon as it is confirmed that he/she will be absent for three months (for example, a fit note has signed him/her off for that period), his/her line manager should contact the HR department to set up a "stage 2" long-term sickness absence formal meeting.

"Stage 2" long-term sickness absence formal meetings should also take place every month until the employee returns to work or he/she has reached 6 months' long-term sickness absence, at which point a "stage 3" long-term sickness absence formal meeting will take place (see below).

*Stage 2 invitation*

The meeting should be with the line manager and an HR manager/another manager. The line manager should contact the employee to agree a date, time and location for the meeting to take place, at a time that is convenient for the employee, line manager and HR manager/other manager.

If the employee does not respond to efforts made to contact him/her, or does not cooperate with attempts to agree a time and place for the meeting, the line manager is entitled to set a time and place for the meeting without the employee's agreement.

While the meeting can take place in the workplace, it may be that the employee's condition necessitates a venue that is away from the employee's place of work. For example, the employee's mobility may be restricted or an employee suffering from work-related stress may be uncomfortable coming to work. The line manager and HR manager/other manager should therefore be open to the meeting taking place in another location. This could be the employee's home (although only if the employee is comfortable with this) or a venue near the employee's home (such as a local cafe or leisure centre).

Once the date, time and location of the meeting have been agreed, the line manager should write to the employee inviting him/her to a "stage 2" long-term sickness absence formal meeting. The employee should be given at least three days' notice of the meeting. The letter should explain to the employee the purpose of the meeting and advise the employee that he/she can be accompanied by a fellow worker or trade union official.

A few days before the meeting, the employee's line manager should contact the employee to confirm that he/she is still well enough for the meeting to proceed.

*Stage 2 meeting*

The "stage 2" long-term sickness absence formal review meeting will be chaired by the employee's line manager, together with an HR manager/another manager to take notes of the meeting.

At a "stage 2" long-term sickness absence formal meeting, the line manager will:

* establish how the employee is doing and the likely length of his/her absence, bearing in mind the advice in the employee's fit note or medical report;
* discuss with the employee what steps can be taken to assist the employee in returning to work (for example, a phased return, amended job duties, altered hours of work, or workplace adaptations);
* if it appears that the employee will be unable to return to work, discuss the possibility of dismissal [including ill-health retirement];
* explain to the employee his/her sick pay entitlement (and, if applicable, the possibility of making a claim under a permanent health insurance scheme, or similar insurance scheme); and
* confirm when the next contact will take place (for example, if the employee is undergoing an operation, a reasonable period after the operation has taken place).

*Stage 2 outcome*

After the meeting, the line manager will set out in writing what has been discussed at a stage 2 meeting. The letter, which should be provided to the employee within five days of the meeting, should include details of any steps or targets that have been agreed to help the employee to return to work, and any support that the organisation is providing for the employee.

**Stage 3**

*Stage 3 trigger point*

A "stage 3" long-term sickness absence final meeting will be arranged following the "stage 2" long-term sickness absence process if:

* it is clear from medical advice that the employee is unable to return to his/her role in the foreseeable future;
* all reasonable steps to assist the employee in returning to work (for example, a phased return, amended job duties, altered hours of work, or workplace adaptations) have been exhausted; or
* the possibility of dismissal including ill-health retirement has been discussed with the employee.

A "stage 3" long-term sickness absence final meeting will also be arranged once an employee has had a 6 month continuous absence period, or as soon as it is confirmed that the continuous absence period will last for at least 6 months (for example, a fit note has signed the employee off for a period that will take him/her beyond 6 months' continuous absence).

*Stage 3 invitation*

The meeting should be with a senior manager and HR manager/another senior manager. The line manager should contact the employee to agree a date, time and location for the meeting to take place, at a time that is convenient for the employee, senior manager and senior HR manager/other senior manager.

If the employee does not respond to efforts made to contact him/her, or does not cooperate with attempts to agree a time and place for the meeting, the line manager is entitled to set a time and place for the meeting without the employee's agreement.

While the meeting can take place in the workplace, it may be that the employee's condition necessitates a venue that is away from the employee's place of work. For example, the employee's mobility may be restricted or an employee suffering from work-related stress may be uncomfortable coming to work. The senior manager and senior HR manager/other senior manager should therefore be open to the meeting taking place in another location. This could be the employee's home (although only if the employee is comfortable with this) or a venue near the employee's home (such as a local cafe or leisure centre).

Once the date, time and location of the meeting have been agreed, the senior manager should write to the employee inviting him/her to the "stage 3" long-term sickness absence final meeting. The employee should be given at least five days' notice of the meeting. The letter should explain to the employee the purpose of the meeting and advise the employee that he/she can be accompanied by a fellow worker or trade union official.

The letter should warn the employee that a possible outcome of the meeting is that he/she may be dismissed by reason of capability.

A few days before the meeting, the senior manager should contact the employee to confirm that he/she is still well enough for the meeting to proceed.

*Stage 3 meeting*

The "stage 3" long-term sickness absence final formal review meeting will be chaired by a senior manager, together with a senior HR manager/another senior manager to take notes of the meeting.

At the meeting, the senior manager and senior HR manager/other senior manager will consider all the circumstances of the employee's case, including:

* the length of the employee's absence and the likely length of future absence;
* medical advice on the employee's condition;
* if applicable, the possibility of ill-health retirement or making a claim under a permanent health insurance scheme, or similar insurance scheme;
* what adjustments are available to help the employee to return to work; and
* the effect of the employee's continued absence on his/her colleagues and department.

*Stage 3 outcome*

After the meeting, the senior manager will set out in writing the outcome of the stage 3 meeting. The outcome of the meeting could be:

* a decision for the employee to remain on sick leave until he/she has recovered (typically where an approximate return date can be identified);
* if applicable, further steps to pursue ill-health retirement or a claim under a permanent health insurance or similar insurance scheme;
* the issue of a warning that the employee's continued absence is unsatisfactory;
* an offer to make adjustments to the employee's work;
* redeployment with the employee's agreement; or
* a decision to dismiss the employee.

The letter should be provided to the employee within five days of the meeting.

**Appeal**

An employee who is given a warning or is dismissed under this procedure has the right of appeal. The appeal should be sent in writing to [senior manager/other senior member of HR and set out the grounds on which the employee believes that the decision was flawed or unfair.

The employee should lodge his/her appeal within five days of receiving written confirmation of the sanction imposed on him/her by the organisation.

An appeal hearing should be convened at least 10 working days, and within a reasonable period, after the appeal is lodged. The appeal hearing will be chaired by a more senior manager than the manager who conducted the stage 3 meeting together with a member of HR to take notes of the meeting.

The employee will be entitled to be accompanied by a fellow employee or a trade union official.

At the hearing, the decision to impose the sanction will be reviewed and the employee will be entitled to make representations about the appropriateness of the decision.

The outcome of the appeal will be confirmed to the employee in writing, explaining the grounds on which the decision was reached. The outcome of the appeal, which will be final, should be provided to the employee within five days of the hearing.

**Return-to-work arrangements**

While the organisation prefers employees who have been on long-term sickness absence to return to their former post and way of working, it recognises that this is not always possible. The organisation sees the value of phasing employees back to work, temporarily adjusting their duties, or redeploying them permanently if they cannot return to their previous role.

For example, it is well known that employees are more likely to remain at work and not go off sick again if they initially return to work on reduced hours and gradually build up their number of hours. The organisation will always arrange a return-to-work interview (see [below](https://www.xperthr.co.uk/policies-and-documents/long-term-sickness-absence-policy/161159/?keywords=order+proceedings+stage+1+short+term+sickness+absence+meeting#return-to-work-interview)) for an employee returning from long-term sickness absence.

When the employee returns to work, the employee's line manager should arrange to reintroduce the employee back into the workplace, and ensure that arrangements are made to support the employee on his/her return. These arrangements should include any agreed adjustments and where it is deemed necessary a risk assessment.

*Phased return to work*

Where an employee has been on long-term sickness absence, a phased return will often be the most successful way of returning him/her to work. A phased return to work allows an employee to transition from ill-health absence back to full work duties. A phased return to work could involve a gradual increase in hours, or an initial period during which the employee works from home on certain days.

The phased return to work will usually arise following medical advice, which could be:

* a doctor's letter or medical report recommending a phased return;
* one of the options on a fit note; or
* a recommendation in a return-to-work plan provided by the Fit for Work service from long term absences.

When considering whether or not a phased return to work is appropriate, line managers/the HR department should bear in mind that a phased return to work may be required as a reasonable adjustment if the employee has a disability. A phased return to work will not be suitable where the employee remains unfit for any work.

Once the possibility of a phased return to work has been raised, the employee's line manager should invite the employee to a meeting to discuss the medical advice and the possibility of a phased return to work. A member of the HR department should also be present. The line manager's invitation, which should be in writing, should inform the employee in advance of the arrangements for the meeting, including who is to attend on behalf of the organisation.

While the meeting can take place in the workplace, it may be that the employee's condition necessitates a venue that is away from the employee's place of work. The line manager and HR representative should therefore be open to the meeting taking place in another location. This could be the employee's home (although only if the employee is comfortable with this) or a venue near the employee's home (such as a local cafe or leisure centre).

The meeting should cover whether or not a phased return to work is possible, and, if it is:

* when it could start, timeframe and with what work and hours;
* whether or not there will need to be any changes to the employee's work environment or workplace during the phased return to work and/or once the phased return to work is completed;
* when and how the employee's work and hours will develop during any phased return to work;
* what arrangements will be put in place to monitor the employee's progress during any phased return to work;
* the employee's pay during any phased return to work; and
* to whom the employee should report if there are any difficulties with his/her return to work.

Notes should be taken as to what has been discussed and agreed at the meeting and what follow-up has been agreed. The follow-up will often require a further meeting, and the date and arrangements for the next meeting should be agreed at the end of the first meeting.

There are a phased return to work guidelines available.

*Permanent redeployment*

The organisation may consider redeployment where it appears unlikely from the medical advice that an employee on long-term sickness absence will be able to return to his/her existing role.

Any offer to redeploy the employee will be entirely at the organisation's discretion. Such an offer will be made only where the organisation is confident that the employee is no longer able to continue to work in his/her current role and will be able to perform well in the redeployed role.

While the employee is free to refuse any offer of redeployment, the only alternative available will usually be dismissal. If the organisation believes that there is no alternative role available and suitable for the employee, the organisation may be left with no option but to dismiss.

Should the employee choose to accept permanent redeployment, he/she will be asked to agree to a redeployment and variation of contract.

Before an employee is dismissed because there is no suitable role available or because he/she unreasonably refuses an offer of redeployment, if it has not been carried out - a "stage 3" long-term sickness absence final meeting should be held (see [above](https://www.xperthr.co.uk/policies-and-documents/long-term-sickness-absence-policy/161159/?keywords=order+proceedings+stage+1+short+term+sickness+absence+meeting#stage3triggerpoint)). If the employee is dismissed following the stage 3 meeting, he/she should be given the opportunity to appeal against the dismissal (see [above](https://www.xperthr.co.uk/policies-and-documents/long-term-sickness-absence-policy/161159/?keywords=order+proceedings+stage+1+short+term+sickness+absence+meeting#appeal)).

Any dismissal will be with full notice or payment in lieu of notice.

**3.0 Short-Term Sickness Absence Management Procedure**

Line managers must be proactive in managing the absence of an employee on short-term sick leave. The following procedure applies to employees on short-term sickness absence.

The trigger points that are used when an employee is on short-term sickness absence are set out in the Bradford Factor Info Page. When applying these trigger points, the special rules that apply to pregnancy and disability (see [below](https://www.xperthr.co.uk/policies-and-documents/long-term-sickness-absence-policy/161159/?keywords=order+proceedings+stage+1+short+term+sickness+absence+meeting#specialcases)) must always be borne in mind. There are also special considerations when ill-health retirement is a possibility or the employee has a terminal illness (see [below](https://www.xperthr.co.uk/policies-and-documents/long-term-sickness-absence-policy/161159/?keywords=order+proceedings+stage+1+short+term+sickness+absence+meeting#retirement)).

The stages set out below are guidelines only. There are limited circumstances in which it will be appropriate for an employee to skip straight to the "stage 2,3 or 4" short-term sickness absence meetings (see [below](https://www.xperthr.co.uk/policies-and-documents/long-term-sickness-absence-policy/161159/?keywords=order+proceedings+stage+1+short+term+sickness+absence+meeting#stage3triggerpoint)). For example, this could be the case where the employee has less than 24 months continuous service or where the trigger points warrant the seriousness of the relevant stage.

**Occupational health referral**

Once an employee has been absent for 28 calendar days, the absence management or as soon as it is confirmed that he/she will be absent for at least 28 days (for example, a fit note has signed him/her off for that period should be dealt with under the long term absence procedure.

**Stage 1**

*Stage 1 trigger point – (12 month rolling) Bradford Factor 80 - 100*

Once an employee has triggered a score of 80-100, his/her manager should set up a "stage 1" short-term sickness absence formal meeting.

*Stage 1 invitation*

The meeting should be with the line manager and an HR representative. The line manager should contact the employee to agree a date, time and location for the meeting to take place, at a time that is convenient for the employee, line manager and HR representative.

The line manager should write to the employee inviting him/her to the "stage 1" sickness absence formal meeting. The letter should explain to the employee the purpose of the meeting and advise the employee that he/she can be accompanied by a fellow worker or trade union official giving no less than 48 hours’ notice.

If the employee does not respond to efforts made to contact him/her, or does not cooperate with attempts to agree a time and place for the meeting, the line manager is entitled to set a time and place for the meeting without the employee's agreement.

*Short Term Stage 1 meeting*

The "stage 1" sickness absence formal meeting will be chaired by the employee's line manager, together with an HR representative to take notes of the meeting.

At the meeting, the line manager will:

* establish how the employee is doing bearing in mind any advice in the employee's fit note or Return To Work papers;
* discuss with the employee what steps can be taken to improve upon absences;
* discuss any emerging patterns of absence including other absence and lateness’s;
* discuss the impact to the department and the effects of absence;
* explain to the employee his/her sick pay entitlement
* confirm how the Bradford Factor is calculated;
* discuss any underlying reasons and any possible future absences expected

*Stage 1 outcome*

After the meeting, the meeting minutes will be drawn and signed by all parties, the line manager will set out in writing what has been discussed at the stage 1 meeting. The letter, which should ideally be provided to the employee within five days of the meeting, the letter should include details of any steps or targets that have been agreed.

**Stage 2**

*Stage 2 trigger point – (12 month rolling) Bradford Factor 100-349*

Once the employee triggers a score between 100 - 349, his/her line manager should set up a "stage 2" short-term sickness absence formal meeting; and/or

an employee has less than 24 months continuous service but has had a high number of absences within a short time period (under 12 months); and or

an employee has short service but has acquired a Bradford factor score that would translate to 100 – 349 Bradford Factor in a 12 month period.

*Stage 2 invitation*

The meeting should be with the line manager and a HR representative. The line manager should contact the employee to agree a date, time and location for the meeting to take place, at a time that is convenient for the employee, line manager and HR representative.

The line manager should write to the employee inviting him/her to the "stage 2" sickness absence formal meeting. The letter should explain to the employee the purpose of the meeting and advise the employee that he/she can be accompanied by a fellow worker or trade union official giving no less than 48 hours’ notice.

If the employee does not respond to efforts made to contact him/her, or does not cooperate with attempts to agree a time and place for the meeting, the line manager is entitled to set a time and place for the meeting without the employee's agreement.

If the employee does not respond to efforts made to contact him/her, or does not cooperate with attempts to agree a time and place for the meeting, the line manager is entitled to set a time and place for the meeting without the employee's agreement.

*Stage 2 meeting*

The "stage 2" sickness absence formal review meeting will be chaired by the employee's line manager, together with the HR representative to take notes of the meeting.

At a "stage 2" sickness absence formal meeting, the line manager will:

* establish how the employee is doing bearing in mind any advice in the employee's fit note or Return To Work papers;
* discuss with the employee what steps can be taken to improve upon absences, and why possible improvements have not been successful;
* discuss any emerging patterns of absence including other absence and lateness’s;
* discuss the impact to the department and the effects of absence;
* explain to the employee his/her sick pay entitlement
* confirm how the Bradford Factor is calculated;
* discuss any underlying reasons and any possible future absences expected

*Stage 2 outcome*

After the meeting, the meeting minutes will be drawn and signed by all parties, the line manager will set out in writing what has been discussed at the stage 2 meeting. The letter, which should ideally be provided to the employee within five days of the meeting, the letter should include details of any steps or targets that have been agreed.

**Stage 3**

*Stage 3 trigger point – (12 Month Rolling) Bradford Factor 350 – 749*

Once the employee triggers a score between 350 - 749, his/her line manager should set up a "stage 3" short-term sickness absence formal meeting and/or

an employee has less than 24 months continuous service but has had a high number of absences within a short time period (under 12 months); and or

an employee has short service but has acquired a Bradford factor score that would translate to 350 – 749 Bradford Factor in a 12 month period.

*Stage 3 invitation*

The meeting should be with the line manager and a HR representative. The line manager should contact the employee to agree a date, time and location for the meeting to take place, at a time that is convenient for the employee, line manager and HR representative.

The line manager should write to the employee inviting him/her to the "stage 3" sickness absence formal meeting. The letter should explain to the employee the purpose of the meeting and advice the employee that he/she can be accompanied by a fellow worker or trade union official giving no less than 48 hours’ notice.

If the employee does not respond to efforts made to contact him/her, or does not cooperate with attempts to agree a time and place for the meeting, the line manager is entitled to set a time and place for the meeting without the employee's agreement.

If the employee does not respond to efforts made to contact him/her, or does not cooperate with attempts to agree a time and place for the meeting, the line manager is entitled to set a time and place for the meeting without the employee's agreement.

*Stage 3 meeting*

The "stage 3" sickness absence formal review meeting will be chaired by the employee's line manager, together with the HR representative to take notes of the meeting.

At a "stage 3" sickness absence formal meeting, the line manager will:

* establish how the employee is doing bearing in mind any advice in the employee's fit note or Return To Work papers;
* discuss with the employee what steps can be taken to improve upon absences, and why possible improvements have not been successful;
* discuss any emerging patterns of absence including other absence and lateness’s;
* discuss the impact to the department and the effects of absence;
* explain to the employee his/her sick pay entitlement
* confirm how the Bradford Factor is calculated;
* discuss any underlying reasons and any possible future absences expected

*Stage 3 outcome*

After the meeting, the meeting minutes will be drawn and signed by all parties, the line manager will set out in writing what has been discussed at the stage 3 meeting. The letter, which should ideally be provided to the employee within five days of the meeting, the letter should include details of any steps or targets that have been agreed.

**Stage 4**

*Stage 4 trigger point – Bradford Score 750+*

A "stage 4" sickness absence final meeting will normally be arranged following the "stage 3” sickness absence process or if:

* an employee has shown a clear lack of improvement following stage 3 of the process but has had reasonable steps to assist the employee; and/or
* an employee has less than 24 months continuous service but has had a high number of absences within a short time period (under 12 months); and/or
* an employee has short service but has acquired a Bradford factor score that would translate to over 750+ in a 12 month period; and/or
* all in returning to work (for example, a phased return, amended job duties, altered hours of work, or workplace adaptations) have been exhausted; or
* the possibility of dismissal including ill-health retirement has been discussed with the employee.

A "stage 4" short-term sickness absence final meeting will also be arranged once an employee has had a 6 month continuous absence period, or as soon as it is confirmed that the continuous absence period will last for at least 6 months (for example, a fit note has signed the employee off for a period that will take him/her beyond 6 months' continuous absence).

*Stage 3 invitation*

The meeting should be with a senior manager and HR manager/another senior manager. The line manager should contact the employee to agree a date, time and location for the meeting to take place, at a time that is convenient for the employee, senior manager and senior HR manager/other senior manager.

If the employee does not respond to efforts made to contact him/her, or does not cooperate with attempts to agree a time and place for the meeting, the line manager is entitled to set a time and place for the meeting without the employee's agreement.

While the meeting can take place in the workplace, it may be that the employee's condition necessitates a venue that is away from the employee's place of work. For example, the employee's mobility may be restricted or an employee suffering from work-related stress may be uncomfortable coming to work. The senior manager and senior HR manager/other senior manager should therefore be open to the meeting taking place in another location. This could be the employee's home (although only if the employee is comfortable with this) or a venue near the employee's home (such as a local cafe or leisure centre).

Once the date, time and location of the meeting have been agreed, the senior manager should write to the employee inviting him/her to the "stage 3" long-term sickness absence final meeting. The employee should be given at least five days' notice of the meeting. The letter should explain to the employee the purpose of the meeting and advise the employee that he/she can be accompanied by a fellow worker or trade union official.

The letter should warn the employee that a possible outcome of the meeting is that he/she may be dismissed by reason of capability.

A few days before the meeting, the senior manager should contact the employee to confirm that he/she is still well enough for the meeting to proceed.

*Stage 3 meeting*

The "stage 3" long-term sickness absence final formal review meeting will be chaired by a senior manager, together with a senior HR manager/another senior manager to take notes of the meeting.

At the meeting, the senior manager and senior HR manager/other senior manager will consider all the circumstances of the employee's case, including:

* the length of the employee's absence and the likely length of future absence;
* medical advice on the employee's condition;
* if applicable, the possibility of ill-health retirement or making a claim under a permanent health insurance scheme, or similar insurance scheme;
* what adjustments are available to help the employee to return to work; and
* the effect of the employee's continued absence on his/her colleagues and department.

*Stage 3 outcome*

After the meeting, the senior manager will set out in writing the outcome of the stage 3 meeting. The outcome of the meeting could be:

* a decision for the employee to remain on sick leave until he/she has recovered (typically where an approximate return date can be identified);
* if applicable, further steps to pursue ill-health retirement or a claim under a permanent health insurance or similar insurance scheme;
* the issue of a warning that the employee's continued absence is unsatisfactory;
* an offer to make adjustments to the employee's work;
* redeployment with the employee's agreement; or
* a decision to dismiss the employee.

The letter should be provided to the employee within five days of the meeting.

**Appeal**

An employee who is given a warning or is dismissed under this procedure has the right of appeal. The appeal should be sent in writing to [senior manager/other senior member of HR and set out the grounds on which the employee believes that the decision was flawed or unfair.

The employee should lodge his/her appeal within five days of receiving written confirmation of the sanction imposed on him/her by the organisation.

An appeal hearing should be convened at least 10 working days, and within a reasonable period, after the appeal is lodged. The appeal hearing will be chaired by a more senior manager than the manager who conducted the stage 3 meeting together with a member of HR to take notes of the meeting.

The employee will be entitled to be accompanied by a fellow employee or a trade union official.

At the hearing, the decision to impose the sanction will be reviewed and the employee will be entitled to make representations about the appropriateness of the decision.

The outcome of the appeal will be confirmed to the employee in writing, explaining the grounds on which the decision was reached. The outcome of the appeal, which will be final, should be provided to the employee within five days of the hearing.