



Managing Workplace Absences A Complete Guide



Every organisation relies on the skills, talents and capabilities of its workforce for success. No matter what stage of growth your business is in, manpower will be the lifeblood of your company's efforts - which is why it is equally essential for your organisation to have a robust and well-planned approach to managing worker absences.

Whether due to illness, injury or other unforeseen factors, absences are an inevitability that need to be properly accounted for as part of your routine corporate planning. As a business, you need to be able to distinguish between legitimate and unauthorised absences, and to make sure that staff who do have good reason to be away from work are supported in a way that facilitates a smooth return.

In this guide, the employment law lawyers at Percy Hughes & Roberts Solicitors will provide a rundown of everything your organisation needs to know about managing workplace absences in a way that will deliver clarity and protection for the business and its staff.

To find out more, get in touch with our [specialist employment law team](#) today by calling **0800 068 3274**, or by filling in our [online contact form](#).



Workplace absences: an introduction

No matter how committed your employees may be, it is certain that every member of staff will need to be away from work from time to time. In most cases, these absences will be expected and properly accounted for, whether this means arranging cover for a period of annual holiday entitlement or maternity leave.

However, it is equally inevitable that workers will sometimes need time off work unexpectedly, whether due to a health issue, an unexpected dependants leave or another circumstantial factor. These absences can happen at any time, and in most cases they will be beyond anyone's control, but they will always be disruptive to your business.

Unplanned workplace absences create direct costs for organisations in terms of lost productivity and work not being completed; the longer they last, the more expensive they will be. As such, it is essential for every organisation to have workplace absence policies in place to deliver on the following objectives:

- Helping employees with health problems to stay in their jobs and return to work as effectively as possible
- Identifying and addressing any factors within the workplace that are contributing to absences
- Monitoring and recording workplace absences to ensure the company understands their impact
- Making sure that staff are not absenting themselves from work for inappropriate reasons, and disciplining those who are behaving incorrectly in this regard

By developing a comprehensive and coherent policy to manage and mitigate workplace absenteeism, you can achieve meaningful bottom-line improvements for your business, while ensuring that your team is able to work together more effectively.

What should a workplace absence policy cover?

The most important tool available to a business for managing the impact of employees being away from their roles is developing a comprehensive workplace absence policy, which will set out clear processes that the employer and staff member will follow if an extended period away from work is required.

As a business, you should look to cover the following topics in your absence policy:

- **What will be considered a valid reason for absence?**
 - What kind of disciplinary measures will an employee face if they fail to comply with company policy?
- **How should absences be reported and monitored?**
 - Who should the employee get in contact with? How should they get in contact? Under what circumstances will they be expected to report their absence?
 - After how many days will employees need to fill in a self-certificate form?
 - How will the employer keep track of the absence over time? Will there be any review or 'trigger' points that require the employer to check back in with the staff member for an update?
- **What will the employee be paid during their period of absence?**
 - For how long will they receive payment? Will this amount change over time?
 - Will staff members continue to be paid at their standard rate of salary, or receive the minimum amount under [statutory sick pay](#) (SSP) rules?
 - Are there any factors that could affect the employee's right to claim pay?

- **If the employee is ill or injured, will they need to produce a fit note from a doctor?**
 - Will a fit note from any doctor be sufficient, or will the organisation require employees to attend an examination by a company doctor?
- **How will employees be expected to stay in contact with the company during their absence? Who should they contact, and how often will they need to check in?**
- **How will the company support the employee in returning to work after their absence?**
 - Will the employer be making adjustments to the premises or job requirements to assist the employee in returning to work as soon as possible?

Are there any formalised occupational health or employee assistance programmes in place to support employees? If so, how can these be accessed?
 - Will it be possible to apply for a phased return to work? How will this process work, and how will it be reviewed over time?
- **Will employees need to attend a return to work interview after their period of absence is over?**
 - Who will be responsible for conducting this interview?
 - What kind of information will the employee need to present during the interview?
- **Does the company have any specific guidance for absences caused by major external events, such as bad weather, widespread travel disruptions, or significant public health crises?**

It is always best to have a formalised workplace absence policy written up in an accessible format, allowing employees to consult the document at any time and ensure they are clear on their rights and responsibilities. Even if you do not have a specific policy document, you must be prepared to answer any or all of the above questions if asked by a member of staff.

Common reasons for workplace absence, and how to deal with them

There are all sorts of reasons why an employee may be required to take unscheduled time away from work. Your workplace absence policy should try to take as many kinds of unexpected absence into account as possible, in addition to pre-planned absences for holidays or parental leave. Here, we explore some of the most common reasons for workplace absences, and the steps you should take to account for them.

Physical and mental health problems

Injury and illness can make it impossible for a employee to continue their duties for an extended period of time, as their condition prevents them from fulfilling their role or attending the workplace. Examples include:

- Infectious minor illnesses, including colds or flu.
- Physical injuries resulting from an accident, either in or out of work.
- Musculoskeletal problems, such as a strained back or a repetitive strain injury.
- Pregnancy-related complications and illnesses.



Mental health issues also fall under this category. A member of staff may need to take time off work if they are experiencing significant stress, anxiety or other signs of poor mental health, whether as a result of factors in work or in their personal lives.

In order to properly deal with absences caused by health problems, your business should take the following steps:

- If employees are off work for seven days or less, they are not required to provide a fit note or other proof of illness from a medical professional, and can simply confirm their health status to their employer on their return to work - a process known as self-certification. Every organisation can establish their own system for how this works - for example, by filling in a specific form, or by requiring the employee to telephone and speak with a specific point of contact within the business before their expected shift start time.
- Employees can be required to obtain a fit note from their doctor if they are absent with illness for more than seven consecutive days. Using the information from this note, your business can determine and plan for how long a staff member may be absent, or explore the possibility of making simple practical adjustments to working conditions to help them return to work. These may include introducing special equipment to assist their work, offering expanded options for working from home, or temporarily changing their responsibilities to help them work around their health problems.
- If staff are experiencing mental health problems, you should approach staff members sensitively to find out whether there are any specific causes that could be addressed. These could include facilitating access to counselling or mental health support services, or taking steps to address causes of stress in the workplace, such as unsustainable workloads or personality conflicts.
- Make sure to recognise that every staff member's personal needs and requirements will be different. Health issues should be treated seriously and compassionately, and companies should do all they can to support employees back into their roles in a way that reflects their needs.

In some circumstances, an employee may become incapable of performing their role to the required standard, or at all, due to an extended health problem. However, there is a duty to make reasonable adjustments if the employee is disabled, in order to remove any substantial disadvantage posed to the employee in the workplace; this avenue must be properly explored before entering into any medical capability process.

Sometimes, it will be genuinely impossible to continue accommodating a worker in these circumstances, but dismissal should only be considered as a last resort, in order to avoid falling foul of employment laws around providing reasonable adjustments for staff with disabilities. In all instances, it is essential to follow fair and proper procedures.

Supporting a dependant or loved one

Under UK employment law, anyone classed as an employee has the right to take time off work to help a dependant in an emergency. This might include a close family member, a cohabitant or someone else who relies on them for practical or care-related arrangements. Examples of this might include:

- Helping a dependant who falls ill, is giving birth, or has been physically injured, including providing care for them.
- Dealing with and making arrangements around the death of a dependant.
- Handling incidents involving a child during school hours.
- Unexpected disruption to child care.

Legally, time taken off to support a dependant is unpaid. However, many organisations choose to provide additional entitlements for staff beyond the legal minimum, so it is important to make these clear in your employment contracts and in your workplace absence policy in these cases.

Personal bereavements, including funeral attendance

When an employee suffers a death of someone close to them, they may wish to take some time away from work. This requires sensitive treatment on the part of the employer, as well as an in-depth knowledge of their rights and responsibilities in cases like this.

Here are the most important factors to consider when handling absences among recently bereaved employees:

- Staff members have the right to take a reasonable amount of time off if a dependant dies, including a partner, parent, child or someone else who relied on them. The amount of time is not specified, but could cover any unexpected issues and emergencies and time to arrange or attend a funeral.
- If the person who died was not a child or dependant, there is no general legal right for an employee to take time off, but many companies may choose to offer compassionate or special leave nonetheless.
- Generally speaking, there is no legal right to paid time off for bereavement in most cases. You must ascertain whether this applies to your sector when developing your absence policies.
- Statutory parental bereavement pay entitles employees and workers to two weeks of pay if their child dies under the age of 18, or is stillborn after 24 weeks of pregnancy. In the case of stillbirth, the birth parent will also still be eligible to receive up to 52 weeks of statutory maternity leave or pay.

This is a delicate area of employment law, and must be handled with sensitivity. Many businesses give staff the right to take paid leave for a bereavement even when it is not legally required, out of compassion for a person's particular situation.

It is also important to consider all of the cultural factors involved, such as religious beliefs, as preventing an employee from attending a particular ceremony after a bereavement could be seen as a form of religious discrimination.

As such, it is essential for businesses to ensure that their rules and exceptions around bereavements are clearly laid out in their workplace absence policies, in order to avoid any potential conflicts or additional causes of stress during what will already be a difficult time.

Essential or unavoidable appointments

Employees may be required to take time off work to attend appointments that cannot be avoided or rescheduled. These can include medical appointments or periods of jury duty.

Appointments of this kind can often be planned for in advance to a greater extent than many of the other examples provided above. As such, it is important to discuss these absences with staff in advance.

By covering these kinds of absence in your workplace absence policy, you can avoid any potential ambiguity around how absences for essential appointments should be planned.



External factors preventing staff from attending work

In some instances, workplace absences can be caused by external factors that prevent staff members from attending the workplace. These could include snow, storms and natural disasters, or delays to the transport network caused by breakdowns, industrial action or other disruptions.

In these cases, employees have no specific legal right to be paid for any time missed due to these factors, although some companies may have specific policies of their own. If so, these should be communicated clearly to workers.

When instances like this arise, workers must get in touch with their employer as soon as possible to let them know about their circumstances. In many cases, it may be possible to plan ahead and organise alternative working patterns, home working arrangements or short-notice cover, ensuring that workers can continue to fulfil their responsibilities without overly impacting productivity.



Dealing with absences during the COVID-19 pandemic

The onset of the COVID-19 pandemic has created a host of additional challenges for businesses in managing workplace absences. The spread of the disease has resulted in a major increase in the number of workers taking time off work due to sickness, as well as requiring people to regularly self-isolate in order to avoid spreading infection to their colleagues.

Without a proper policy for managing COVID-19 related-absences, this can have a significant negative impact on your business. As such, the government has introduced various guidelines and support measures to make it easier for organisations to support their staff for the duration of the pandemic.

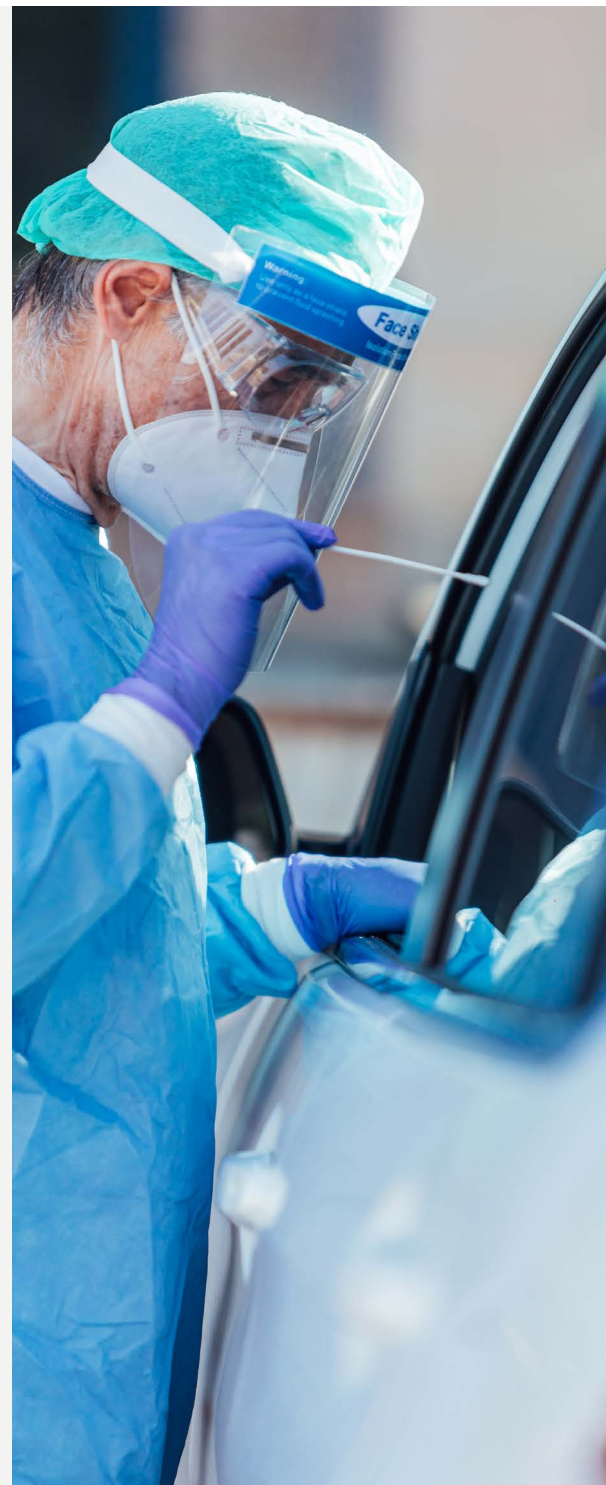
Managing absences due to COVID-19 infections

If an employee has tested positive for COVID-19, they must not report for work. It is a legal requirement for individuals who test positive for COVID-19 to self-isolate for ten days, and this is also applicable to unvaccinated persons those who have been in close contact with someone who has tested positive.

Employees who are absent from work due to COVID-19 are able to claim SSP from day one of their absence, rather than needing to wait four days. Businesses with fewer than 250 employees are also able to claim refunds from the government for COVID-19 related SSP costs, for up to two weeks per employee.

Employers are permitted to use their own discretion on whether additional medical evidence is required to certify illness in the case of COVID-19. A temporary alternative to the standard fit note has been introduced during the pandemic, allowing those in self-isolation to obtain a self-isolation note through NHS 111. Employers can check whether these isolation notes are valid using an online service.

Employees who have any of the three main symptoms of COVID-19 - a high temperature, a new continuous cough, or a loss or change to their sense of smell or taste - should be instructed to get a PCR test as soon as possible.





Managing absences due to self-isolation

The most recent measures implemented to control the spread of COVID-19 have meant that many workers are often required to self-isolate at home even if they are not personally unwell enough to require time off work. This includes those who have mild COVID-19 symptoms, as well as those who have not been double-vaccinated and who have been asked to isolate due to contact with someone who has tested positive.

If it is possible for these staff members to continue working remotely, then this should be put in place. Those who must be on-site to work are eligible to claim SSP from the first day of their self-isolation, even though they themselves are not ill.

Whether you are dealing with illness or self-isolation-related absences, it is important to maintain good record-keeping to keep track of staff members who have had to take time off, especially if you are intending to claim SSP refunds from HM Revenue & Customs. You must also keep track of any changes in the government's policy on COVID-19 management, as the legal support measures available continue to evolve as the pandemic situation changes.

Managing short-term vs long-term workplace absence

Even if an employee is absent for only a short period, your organisation should be implementing the following processes:

- Carry out return to work interviews to ensure your business understands the reasons why people are absent, and to provide the support and guidance necessary to help them get back up to speed.
- Maintain a thorough process of absence reporting, ensuring you are correctly logging and reviewing the reasons why staff are absent over time.
- Introduce a system of trigger mechanisms, whereby a certain number of absences taken within a specific period of time will trigger a review into the employee's attendance levels and the reasons why they are missing work.
- If staff members are repeatedly absent, you should consider whether they require additional support or changes to their working terms in order to continue, or if there are underlying issues at the company that need to be addressed.

- For those who are taking time off for unjustified reasons, implement disciplinary measures.

If a member of staff is absent for a period of around four weeks or more, additional measures may be required to help them make a smooth and successful return to work:

- Maintain reasonable contact with employees during their period of absence to ensure lines of communication stay open. This needs to be done sensitively and in line with the worker's level of comfort if they are recovering from a health issue, but done properly, this can ease the transition back into work and keep them up to date on the latest developments at the company.
- Discuss and coordinate a plan for their return to work, including any adjustments and support measures they may require to resume their role, and taking into account any medical recommendations. This may involve introducing specialised equipment, new working hours or a phased return to their usual responsibilities.
- Determine whether the company could support the worker by helping them access professional advice and treatment, or occupational health services to support them in readjusting to their work requirements.
- Carry out a risk assessment to make sure your workplace is safe and suitable for your employee to return to work if they have additional health requirements following their absence, and adjust your premises accordingly.
- Communicate regularly and sensitively with your employee to monitor how they are adjusting to being back at work and whether they need any additional support.



How to identify and deal with unauthorised or illegitimate absences

In the vast majority of cases, workplace absences will happen for reasons beyond your employees' control, and they will be keen to return to their jobs as soon as they can. However, there will always be cases where staff members are guilty of taking time off for unauthorised or inappropriate reasons.

In these instances, the correct approach will be to consider taking disciplinary action, in line with the company's disciplinary procedure or the Acas code of practice. The range of possible sanctions could include anything from a written warning through to a potential dismissal.

Businesses have a number of methods available to them to identify whether a worker's absence was unauthorised or illegitimate. These include:

- Carrying out a thorough return-to-work interview after their absence, and evaluating their responses to your questions to determine whether they have given valid or truthful reasons for their period of absence.
- Asking for evidence to support the individual's reason for absence. In the case of illness, this will take the form of a doctor's note.
- Carrying out a full investigation if you believe disciplinary action may be necessary. This will give you the opportunity to formally gather evidence to establish the facts.
- Using social media activity as evidence that a staff member has been untruthful about their reasons for being absent from work is an option. If social media images are brought to your attention that cast doubt on the information your employee has given you, this should be discussed with them as part of the investigation to establish all the facts before moving forward with disciplinary action. However, there are other potential legal considerations when relying on this type of information from a human rights perspective.

Conversely, the following approach should generally be considered to be inappropriate as methods of investigating unauthorised absences:

- Covert surveillance of employees to monitor their activities is largely only justifiable when criminal activities are suspected, and could be considered a contravention of data protection and privacy rules and human rights laws if applied to workplace absence.

Once again, having a thorough workplace absence policy in place remains the best way of making sure your employees have a firm understanding of what can be considered a legitimate reason for absence, and how to stay on the right side of your internal rules. Having firm guidance in place will also make it easier for you to take action when one of these rules is broken.

Find out more

If you require more information on the practical and legal considerations involved in developing a consistent policy for managing workplace absences, the legal experts at Percy Hughes & Roberts Solicitors can advise you.

You can find out more by getting in touch with our dedicated team of [employment law solicitors](#), or by consulting our existing resources on related topics, including:

- [Our Sickness Absence Guide for Employers](#)
- [Our Employers' Guide to Returning to Work After Furlough](#)
- [Our Checklist for Bringing Staff Back from Furlough](#)

If you have any other specific questions, call Percy Hughes & Roberts on **0800 068 3186**, or fill in our [online contact form](#) to request a call back.

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