Managers Guide: Managing Short Term Persistent Absence

Common Causes of Frequent Absenteeism

An employee's frequent spells of short-term absence can have any one of a number of root causes, including:

- an underlying medical condition that flares up from time to time;
- an unusually high, but genuine, vulnerability to colds, flu, etc;
- excessive tiredness, for example because the employee stays out late at night or has a second job;
- personal or family problems;
- specific problems in the workplace; or
- ·demotivation.

You should always try to stay open minded about an employee's absences rather than jumping to the conclusion that the employee is taking time off work without good reason. It may be that the cause of the employee's absences is something outside his or her control.

Understanding the root cause of the absenteeism will be important. Until you correctly identify the cause, you can't agree an appropriate course of action to remedy it.

Possible Impact of Workplace Factors on Absenteeism

You should bear in mind that employee absences might be caused or exacerbated by factors in the workplace. For example, high rates of absenteeism may be linked to:

- the volume of work or pressure of deadlines being too much for a particular employee to cope with;
- unhappy working relationships or outright conflict with colleagues;
- bullying or harassment;
- perceived ineffective management or an authoritarian management style;
- ·an employee's inability to cope with change or fear of inadequacy; or
- other factors causing dissatisfaction, for example ineffective procedures or equipment, or having no clear goals or targets.

You should be alert to signals that an employee may be suffering from stress to an extent that they are not coping very well. Medical practitioner's fit note's that state "stress", "depression" or "anxiety" should make you consider whether there may be a workplace problem that needs to be addressed urgently.
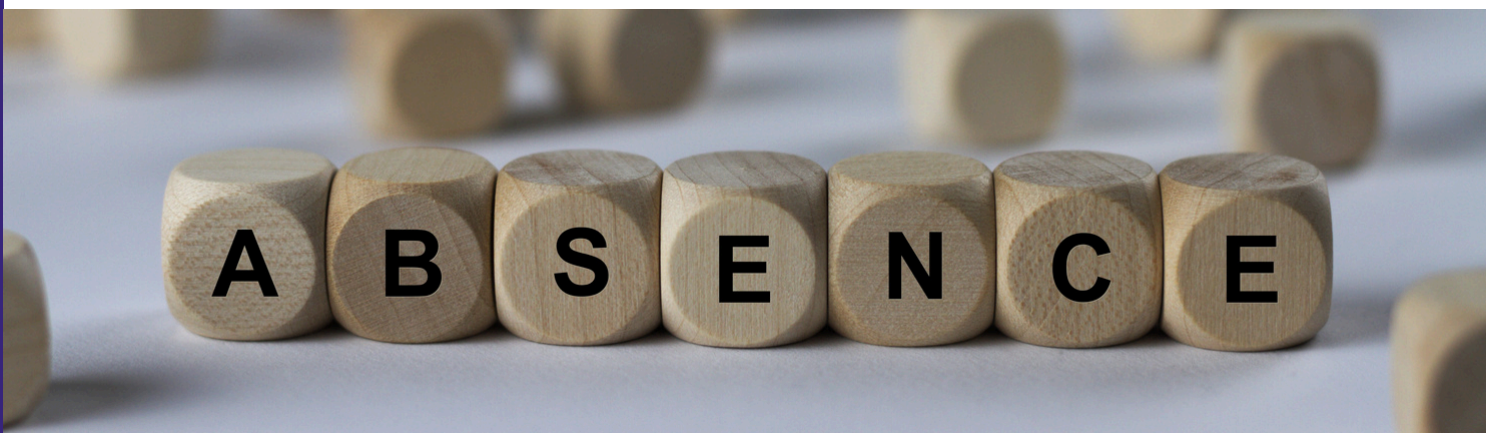
Discussing the problem with the employee

You should always be alert to issues such as those listed above and should talk to any employee who has had a high rate of short-term absences about whether or not there is anything in the workplace that is causing or contributing to their absences.

These sorts of discussions need to be handled sympathetically, and you should reassure the employee that you genuinely want to support them in resolving the particular problem if the employee is experiencing problems at work.

If a workplace problem is identified, you should take steps to remove or reduce the factor that is causing the problem, if this is at all possible. Once the cause of the employee's frequent absenteeism has been removed (or at least reduced), the employee's attendance may well improve.

You should also bear in mind that a failure to take steps to support an employee who is known to be experiencing health problems as a result of factors in the workplace may have serious consequences. For instance, you could be held liable in law if the employee subsequently has a mental breakdown as a result.

Monitoring Short-Term Absences

There is a great deal that you can do to manage short-term absenteeism effectively with a view to reducing its frequency. It is therefore sound practice for you to take positive steps to monitor and control employees' periods of absence from work.

There are two stages to this, the first being the action that you should take each time an employee has a spell of absence. The second stage kicks in if and when the employee's absences exceed a defined threshold in terms of their number and/or duration within a given period of time, as per the Bradford Factor.

Initiating the Procedure

The effective management of short-term sickness absence should start when the employee phones in to say that he or she is sick and unable to attend work.

You should have a procedure that requires the employee to telephone a named person (usually his or her immediate line manager) rather than, for example, leaving a message with the receptionist.

The 'Absence & return to work interview' form should be used to record the date and time of the call, the reason given for the absence and how long the employee expects to be absent. Using this form will help to ensure consistency in approach.

Return-to-work interviews

Irrespective of the length of the absence, when the employee returns to work, you should hold a return-to-work interview. The very fact that such a procedure is carried out will tend to deter casual absences, because employees will know that monitoring of absences is taken seriously and that they will have to account to you for each absence.

The meeting should be informal, so the right to be accompanied will not apply. You should make it clear to the employee that the purpose of this type of interview is to monitor absences and that the interview is not part of the organisation's disciplinary procedure. On the other hand, the meeting should be more than just a casual chat and should be taken seriously.

You should not ask intrusive medical questions, but should instead try to establish the basic cause of the absence. An 'Absence & return to work interview' form should be completed and retained for all return to work interviews conducted. Return-to-work meetings should be:
- informal;
- private and confidential;
- taken seriously;
- structured and factual;
- carried out in a positive and supportive way; and
- recorded.

You should make sure that whenever an employee is absent for up to one week he or she is required to complete and sign the 'Absence self certification' form on return to work. This should be done in front of the line manager, ideally at the return-to-work interview, and the manager should countersign the form. There should be no exceptions. Even absences of one day should be monitored and recorded in this way.

Fit notes

From 6 April 2010, the traditional doctor's sick note was replaced by a statement of fitness for work ("fit note"). If an employee is absent for eight days or more, you should ensure that the employee obtains a fit note from a medical practitioner. The fit note allows medical practitioner's to state either that the employee is "not fit for work" or that he or she "may be fit for work" taking account of specified advice from a medical practitioner.

The purpose of the fit note scheme is to facilitate return to work in circumstances where adjustments by you would help the employee resume working sooner than might otherwise be the case, as the medical practitioner will be able to suggest ways that you can help the employee return to work.

The fit note system gives medical practitioners the opportunity to highlight one of four options to help facilitate the employee's return to work. These are:

- a phased return;
- amended job duties;
- altered hours of work; and
- workplace adaptations.

The medical practitioner may also write in any other option that he or she believes may be appropriate in the circumstances and can add any other relevant information.

There is no legal obligation on you to comply with any recommendation made on a medical practitioners fit note. Equally, any changes to employees' hours or job duties, whether temporary or permanent, should be made only with the agreement of the employee, and you and employee should agree how long the changes will last.

Nevertheless, you should take what a medical practitioner has written seriously and a fit note could prompt discussions between you and the employee, to help you identify any workplace problems.

Absence Reviews

The second stage of managing short-term absences will be activated once an employee's absences have reached a defined threshold set out in the Bradford Factor procedure. Exceeding the trigger point should activate a review of the employee's attendance. You should:

- examine the employee's absence record to check the facts;
- look for patterns;
- arrange a meeting with the employee to discuss his or her absences;
- allow the employee the right to be accompanied at the meeting by a colleague or trade union official (although this type of absence review meeting is not part of a formal disciplinary process, it is good practice to allow employees to be accompanied);
- at the meeting, try to establish whether or not there is any underlying cause of the frequent absences and, if there is, what, if any, action is required to alleviate the situation;
- check whether or not the employee's absences could be work related and, if this is the case, arrange to address the particular problem with a view to removing or reducing the root cause;
- seek to agree with the employee reasonable targets and time limits for improvements in attendance and ensure that the employee is committed to achieving these targets;
- inform the employee that continuing high levels of absence are unacceptable and that if an improvement is not achieved and sustained, formal action may be instigated; and
- consider if it would be helpful or appropriate to seek medical advice, for example to establish whether or not the employee has an underlying medical condition that is causing or contributing to the absences.

Looking for patterns

When reviewing an individual employee's absence record, you should make a point of examining whether there might be a pattern to the absences. Examples could include frequent Monday absences or absences that tend to occur at a particular time, for example just before an important monthly deadline or towards the end of a busy shift cycle.

If such a pattern is apparent, you should speak to the employee about it. This should be done in a factual way without any accusations being thrown at the employee. You should take care not to make assumptions and should instead remain open minded. The simplest way to put the matter to the employee is first to state the facts, and second to ask the employee if he or she can explain the pattern.

Talking to the employee

The main aim of speaking to an employee about a pattern of absences should be to try to establish the underlying reason or reasons for the frequent absenteeism. It is only when the underlying cause is identified that you will be able to decide what to do about the problem.

Even if the employee is unable or unwilling to put forward any explanation, such a discussion will have the advantage of alerting him or her to the fact that you have noticed the pattern. This in turn may deter further casual absences.

Employees with Personal or Family Problems

If it comes to light that an employee's absences from work are being caused wholly or partly by family problems, for example a sick child or genuine problems with childcare, you should be supportive towards the employee, while at the same time explaining clearly that frequent absences are unacceptable from the point of view of the business.

The aim should be to strike a balance between the need to support an employee who has genuine difficulties and the need to get the employee's work done reliably and efficiently. While a degree of tolerance and empathy will usually be appropriate, you can't be expected to put up with an employee's frequent absences indefinitely. You should try to reach agreement with the employee as to targets and timescales for an improvement in attendance.

Suspicion that Reasons Given are Not Genuine

If at any stage you have reasonable grounds to believe that the reasons given for an employee's absences are not genuine, you are entitled to put these doubts directly to the employee in a factual way.

Naturally you should refrain from making wild or unsubstantiated accusations. If, however, there is some evidence to suggest that an employee has taken time off work without a proper reason, you should raise this matter with the employee to establish the truth.

One way to tackle this difficult situation is simply to put the matter to the employee as a statement of fact followed by a general question. For example, you might say that it has been reported that the employee was seen playing golf on the same day that he or she phoned in sick. You should follow this statement up by asking the employee if he or she would like to comment on this or explain it.

In this way you can avoid making direct accusations while giving the employee a full opportunity to offer his or her side of the story.

Instigating Formal Action

Although it is important to be supportive in the first instance towards employees who, for genuine reasons, have frequent absences from work, you also need to ensure that their work of is done efficiently. If informal measures have not led to an improvement in the employee's attendance, it may be that formal procedures need to be instigated. This will be appropriate when the employee's absences have become excessive, in line with the Bradford Factor procedure, where attendance has not improved following informal action. The structure for taking formal action in line with the Bradford Factor procedure is:

- send the employee the disciplinary invite letter setting out the absence dates and inviting him or her to attend a formal meeting to discuss the situation, setting out the fact that a formal warning may result;
- the letter informs the employee that he or she has the right to bring a colleague or trade union official to the meeting;
- at the meeting, explain to the employee that his or her absences have reached a level that is considered unsatisfactory in relation to the Bradford Factor procedure and the reasons why this is the case;
- give the employee a full and fair opportunity to explain the absences and put forward any mitigating factors or other representations;
- decide after the meeting whether or not it is appropriate to issue a formal warning;
- set down a date for a further review, typically in three or six months' time; and
- if a warning is issued, use the disciplinary outcome letter which allows a right of appeal to a more senior person.

Written Warnings

A written warning should:

- state the problem from your perspective, i.e. that attendance has been unsatisfactory in line with the Company's Bradford Factor procedure and that this has caused problems in terms of getting the employee's work done reliably and efficiently;
- quote the precise number of absences and the total number of days of absence over a defined period of time;
- state that it is a written warning that forms part of your formal procedure;
- set out the required improvement in attendance and the timescale in which the employee should strive to achieve this;
- state when the matter will be reviewed;
- state how long the warning will remain "live" in the employee's file;
- ·make clear that if the employee's level of attendance does not improve to the required standard within the given time period further formal action will be taken; and
- state that the employee may appeal against the warning, and to whom any such appeal should be directed.

It can be appropriate to issue a warning even in circumstances where the employee's absences have all been for genuine reasons of ill health. The warning will be on the grounds of unsatisfactory attendance, and not on account of ill health, a distinction that should be made plain. In this way it is clear that the employee is not being blamed for the absences, but is nevertheless put on notice that his or her attendance is unsatisfactory.

Fair Dismissal for Unsatisfactory Attendance

If, following a series of formal warnings, the employee's attendance has remained at a level that is clearly unsatisfactory, you may be able to dismiss the employee fairly. It is usual for two or three formal warnings to be given before dismissal is contemplated.

Dismissal should not, of course, be undertaken lightly and should normally be a last resort after all other possible courses of action have been explored.

The reason for the dismissal of an employee who has had an unacceptable level of absenteeism will be:

- lack of capability, i.e. ill health that has led to the employee being unable to perform his or her job to a satisfactory standard; or
- unsatisfactory attendance, whatever the cause.

Both of these are potentially fair reasons for dismissal.

For a dismissal to be fair, however, you also have to show that the employee's level of absence was sufficient in all the circumstances to justify dismissal and that it acted reasonably in dismissing the employee for this reason.

Keeping Records

Full records should always be kept of employees' absences and of all discussions held with the employee about absence and attendance, whether formal or informal. Self-certificates and Fit Notes should also be retained.

Such records should be held confidentially. Compliance with the laws on data protection will also be important.

Benefits of Absence Management

Many managers are apprehensive about the prospect of tackling an employee's absenteeism, or uncertain as to what action they can reasonably and lawfully take.

While these doubts and fears are understandable, doing nothing can lead to further problems, including a possible general increase in absenteeism.

On the other hand, active management intervention can often help to:

- identify the cause or causes of an individual's poor level of attendance, allowing the manager to deal with the matter effectively;
- provide support to the employee, where appropriate, thus potentially increasing his or her motivation and loyalty;
- deter casual absences;
- establish whether or not an employee's level of attendance is likely to improve within a reasonable time frame;
- identify whether or not there are any problems inherent in the workplace that are contributing to employee absenteeism generally and, if there are, ensure that they are addressed;
- improve morale and motivation; and
- lead to a reduction in rates of absenteeism within the organisation and an associated reduction in costs and improvement in productivity

Get in touch

This document is intended as a guide. If you have any concerns regarding its content, or for further information about managing short term persistent absence, or anything else to help make managing your HR easier then please get in touch. We'd love to help.

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