

This information is intended to be a brief introduction to the subject. Legal information is provided for guidance only and should not be regarded as an authoritative statement of the law.

Leaflet 8

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Controlling absence

Employees can be away from work for a number of reasons including:

- Sickness
- other authorised absence
- unauthorised absence

Most types of authorised absence (eg holidays, external training, maternity and parental leave or civic duties) are not dealt with in this section because they form part of a predictable absence pattern which can usually be accommodated in line with the needs of employers and employees.

The major concern for most small businesses is how to control levels of sickness absence and unauthorised absence. Although absence levels can be reduced by better procedures, they cannot be wholly eliminated and it is not easy to say what an acceptable level of absence is. It will be affected by factors such as the industry or the type of job.

If employees cannot strike a comfortable balance between their work and home responsibilities they are likely to suffer not only in their ability to do the job but also in their general health and wellbeing. Stress levels increase, morale drops and sickness and absenteeism escalate.

Additionally, employees may feel that they have no option but to use sickness leave to deal with caring responsibilities at home.

All eligible employees have the right to request a flexible working pattern and employers will have a legal duty to consider such requests seriously and to refuse them only if there are clear business reasons for doing so.

High absence levels can increase costs through overtime payments to provide cover and business commitments can suffer. Hidden costs such as low morale may further reduce productivity. Measures that reduce or eliminate unjustified absence are therefore important for any business.

What affects absence levels?

There are many factors which may have an impact on the level of absence including:

- **working conditions** - could working relationships, the physical environment or the layout of premises be improved?
- **management/supervision** - does the company know the size of the problem? What is it doing to reduce absence levels?
- **health and safety standards** - is the level of absence connected with job hazards?
- **initial training of new recruits** - are they apathetic towards the company?
- **welfare arrangements** - could the company assist with personal problems?
- **company rules** - uncertainty can lead to misunderstandings - when is a medical self-certificate sufficient? When will a doctor's Statement of fitness for work be necessary? Whom should absent employees inform? When will the company require a medical examination of the absent employee? This is particularly important when deciding on action concerning long-term sick employees.

Statement of fitness for work

On 6 April 2010 the government introduced a 'statement of fitness for work' As well as allowing doctors to advise that an employee is unfit for work, the statement also offers a new option - 'may be fit for work'. A GP is now able to suggest ways of helping an employee get back to work. This might include an employer talking to an employee about a phased return to work or amended

duties. For further information visit [Manage absence and sickness](#) at nibusinessinfo.co.uk

What is the size of the problem?

The first step towards control of absence is to be in a position to estimate the problem. This can be easily achieved if attendance details are kept in employees' personnel records. They need not be elaborate but should include:

- the dates - of the beginning and end of each period of absence
- the reasons for absence and whether absence was authorised ie backed by a medical self certificate, a doctor's Statement of fitness for work or subsequently agreed by the company. In small firms it is relatively simple to tell if the problem is spread throughout the workforce or confined to particular work sections or to a few employees. By keeping an eye on individual absence levels, it may be possible to identify a potential problem such as regular uncertificated absence or a regular pattern of absence. If the company makes sure that the reason for absence is always discussed with the person concerned, this may prevent a problem from developing.
- The Disability Discrimination Act 1995 makes it unlawful for an employer to treat a disabled person less favourably because of a reason relating to their disability, without a justifiable reason. Employers are required to make reasonable adjustments to working conditions or the workplace where that would help to accommodate a particular disabled person.

Care should be taken to distinguish between absence records, which record the incidence of absence but do not include details of the illness and sickness records, which include details of the illness.

Sickness records are classified as sensitive personnel data under the Data Protection Act 1998 requiring the consent of the employee.

[The Employment Practices Data Protection Code on Employment Records](#) produced by the Information Commissioner, contains detailed advice.

Where can I get more information?

Read the Agency guide [Advice on managing sickness absence](#).

The Agency also runs a Good Practice Seminar which is free of charge. Book your place at [Managing sickness absence](#).