

“Healthy Workplace, Healthy Profits”
Chamber Business Networking Breakfast
Sandwich, 30th January 2015
Organised by the Thanet & Dover Chambers of Commerce
In liaison with Kent County Council

Absences

The logo for Barnes Marsland Solicitors is presented within a white rectangular box. It features the name 'BARNES' in a large, bold, serif font at the top. Below it, 'MARSLAND' is written in a larger, bold, serif font, with the 'M' and 'A' being significantly larger than the other letters. At the bottom, the word 'SOLICITORS' is written in a smaller, all-caps, sans-serif font.

BARNES
MARSLAND
S O L I C I T O R S

Things to Think About

- Types of absences
- Policies & Procedures
- Absence Management
- Issues with sickness absences
- Disability issues

Types of Absences

- Sickness
 - Short or long term
- Unauthorised absence or persistent lateness
- Authorised

Authorised Absence

- Genuine sickness
- Absence with prior permission (usually):
 - Annual leave
 - Maternity /Paternity/Adoption/Parental leave
 - Time off for dependants
 - Compassionate leave
 - Time off for public or trade union duties
- Genuine reasons outside the employees control:
 - Extreme weather
 - Breakdown in childcare arrangements
 - Accident coming to work
 - Unexpected severe travel disruption

Policies & Procedures

- Put it in writing
 - Make sure there is a proper policy for each authorised type of absence
- Make it accessible for everyone
 - Central point in the office?
 - Intranet?
- Clearly set out what you expect of people especially for sickness:
 - Who should absences be reported to - line manager or a company wide individual?
 - When should the absence be reported – anytime or before the time they are due to start work?
 - How should the absence be reported – call, text or email?
 - Who can report the absence - do you want to speak to the person or are you happy for someone to call for them?

Policies & Procedures Cont'd

- What information do you want:
 - Reason for absence
 - Likely length of absence
 - Medication or treatment being received
- How often do you want updates:
 - Daily
 - Every other day
 - Weekly
 - Longer

Policies & Procedures Cont'd


- How long people can self certificate – 3 days including weekends?
- When a fit note is required – SSP rules say must have if after been off for 7 days
- Company Sick Pay – how long will it be paid for
- Statutory Sick Pay (SSP)
 - Current rate £87.44 per week
 - Payable where off for 4 days or more in a row
 - Paid for a maximum of 28 weeks

Return to Work

- Deal with everyone in the same way
- Find out why they were off
- Is it likely to reoccur
- Anything else they want to say
- Listen
- Help where possible



The Kent Healthy Business Awards can signpost businesses to useful resources

Absence Management			
	Standard	Evidence	Resources
Level 1 - COMMIT	A clear attendance management policy is in place and procedures are known to staff	<p>Copy of policy accessible to all staff</p> <p>Signed statement, or meeting minutes, staff survey from staff confirming they are aware of the sickness absence policy and that they understand the policy</p>	<p>http://www.hse.gov.uk/sicknessabsence/examplepolicy.htm</p> <p>https://www.surveymonkey.com/mp/employee-survey-templates/</p>
	Documented return to work procedures are in place and followed	<p>Guidance</p> <p> GOV Fit For Work Employer Guidance Jc</p>	<p>http://www.hse.gov.uk/sicknessabsence/</p> <p>http://www.healthyworkinglives.com/document?PublicationID=5559</p>
	Reasonable adjustments are made in line with recommendations made in a Statement of Fitness to Work.	Copy of a Fit Note / statement from a member of staff and evidence of suggestions on that Fit Note being carried out in the workplace	https://www.gov.uk/government/collections/fit-note
Absence Management			
	Standard	Evidence	Resources
Level 2 - ACHIEVE	Absence rates and causes are collected and monitored.	Evidence of good practice / proactive action to address absence trends	<p>http://www.hse.gov.uk/pubns/books/hsg249.htm</p> <p>http://www.cipd.co.uk/NR/rdonlyres/3A208F80-3484-4CE7-B8D3-907FFE660850/0/Wellbeing_sample_chapter_02.pdf</p>
	Interventions are undertaken where patterns indicate trends of absence.	Examples of interventions put in place	http://mhfaengland.org/ www.smokefreekent.co.uk
	Managers have participated in Attendance Management training	Certificates of attendance; Course details	http://www.acas.org.uk/index.aspx?articleid=3230
Absence Management			
	Standard	Evidence	Resources
Level 3 - EXCELLENCE	The organisation has a proactive system in place to support staff on long term sick to return to work and will raise awareness of and support staff with long term conditions	<p>Evidence of up to date knowledge of Government's proposed free occupational health 'Health And Work Scheme'</p> <p>Evidence of staff up to date training on impending changes around the Fit Note</p>	<p>Co-ordinating the Health, Work and Wellbeing initiative - Helping people to find and stay in work - Policies - GOV.UK</p> <p>http://www.hse.gov.uk/pubns/indg397.pdf</p> <p>Taking sick leave - GOV.UK</p>

Just a Thought.....



Special Events.....

- How likely are they to affect absences in your organisation
- Include in main policy or issue specific guidance?
- If you know an event is coming up, work with the whole organisation to accommodate requests where possible
- Be inventive

Sickness Absence

Four Main Categories

- 1) The fraudulent malingerer
- 2) The lazy malingerer
- 3) Persistent intermittent short-term absences
- 4) Long term or chronic ill health

Sickness Absence

Manual Work

- Minor Illness – colds, flu, stomach upsets & headaches
- Musculoskeletal injuries
- Stress
- Back pain
- Mental ill health (clinical depression and anxiety)
- Home/family responsibilities

Non Manual Work

- Minor Illness – colds, flu, stomach upsets & headaches
- Stress
- Musculoskeletal injuries
- Mental ill health (clinical depression and anxiety)
- Back pain
- Recurring medical problems

Sickness Absence Survey 2014

- Average sickness level 2.9% or 4.9 days per employee
- 20% of employers say that “stress” is most common cause of long term absence
- 40% of employers have found long term absence has increased in last two years

Fraudulent Malingerer



Fraudulent Malingerer



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Fraudulent Malingerer



Fraudulent Malingerer Cont'd

- Malingerer – a person who malingers. A shirker.
- Can they provide appropriate evidence
- Follow disciplinary & dismissal procedure where appropriate
- No evidence that they are fraudulently off - is it feasible to get it
- Dismiss unfairly
 - Possible significant financial loss if you get it wrong

Lazy Malingerer



**KEEP
CALM
AND
HAVE A
DUVET DAY**

Lazy Malingerer



Lazy Malingerer



Lazy Malingerer Cont'd

- Patterns evident from return to work meetings
- Patterns to the illness timings
 - School holidays
 - Significant anniversary
 - Specific days
- Durations
 - Number of days at a time

Lazy Malingerer Cont'd

- Encourage attendance
- If it becomes too regular are there any underlying problems
- Be clear when levels of absence become unacceptable
- Deal in line with appropriate policies and procedures

Persistent Intermittent Short Term Absences



Persistent Intermittent Short Term Absences Cont'd

- Return to work meetings are essential
 - Underlying medical problems
 - Are there problems outside of work you can help with
 - How the employee is feeling
- What can be done to help the employee
- Are you really dealing with a malingerer
- Are you really being put on notice of a disability

Persistent Intermittent Short Term Absences Cont'd

- “Problems at work”
- Stress
- Mental ill health (clinical depression and anxiety)
- Back pain
- Recurring medical problems

Long Term or Chronic Ill Health

- Keep in touch with an employee
- Are there any reasonable adjustment that can be made to help the employee back to work
- The longer an employee is off the less likely they are to return to work
- Make sure appropriate health reports are obtained
- GP – Occupational Health – Consultant
- NB Free OH reports via Health and Work Scheme

Long Term or Chronic Ill Health Cont'd

- Meet with the employee
 - At home, work or neutral location
- Make sure you discuss
 - Sick pay
 - Fitness to work/phased return/adjustments
 - Early retirement or Private Health Insurance (PHI)
 - Is dismissal contemplated and if so when?
- Remember that someone off sick is still an employee
- Support don't steamroll

Disability

- Disability under the Equality Act 2010:

“ A person has a disability if that person has a physical or mental impairment, and the impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities”

Disability Cont'd

- Substantial
 - more than trivial
- Day to day activities
 - mobility
 - doing something with your hands
 - physical coordination
 - continence (controlling your bladder and bowels)
 - ability to lift, carry or move everyday objects
 - speech, hearing or eyesight
 - memory or ability to concentrate, learn or understand or
 - perception of the risk of physical danger.

Disability Cont'd

- Employers must make reasonable adjustments
 - Reduced working hours
 - Work from home
 - Allow longer lunch breaks
 - Provide suitable equipment

What Happens IF You Fail

- Significant financial losses
- Damage to reputation
- Employment Tribunal claim
 - Unfair Dismissal Claim – the lower of 1 year's salary or £76,574
 - Discrimination Claim – unlimited

Off on a Tangent.....



Is Obesity a Disability?

- Possibly
- Karsten Kaltoft v Kommunernes Landsforening