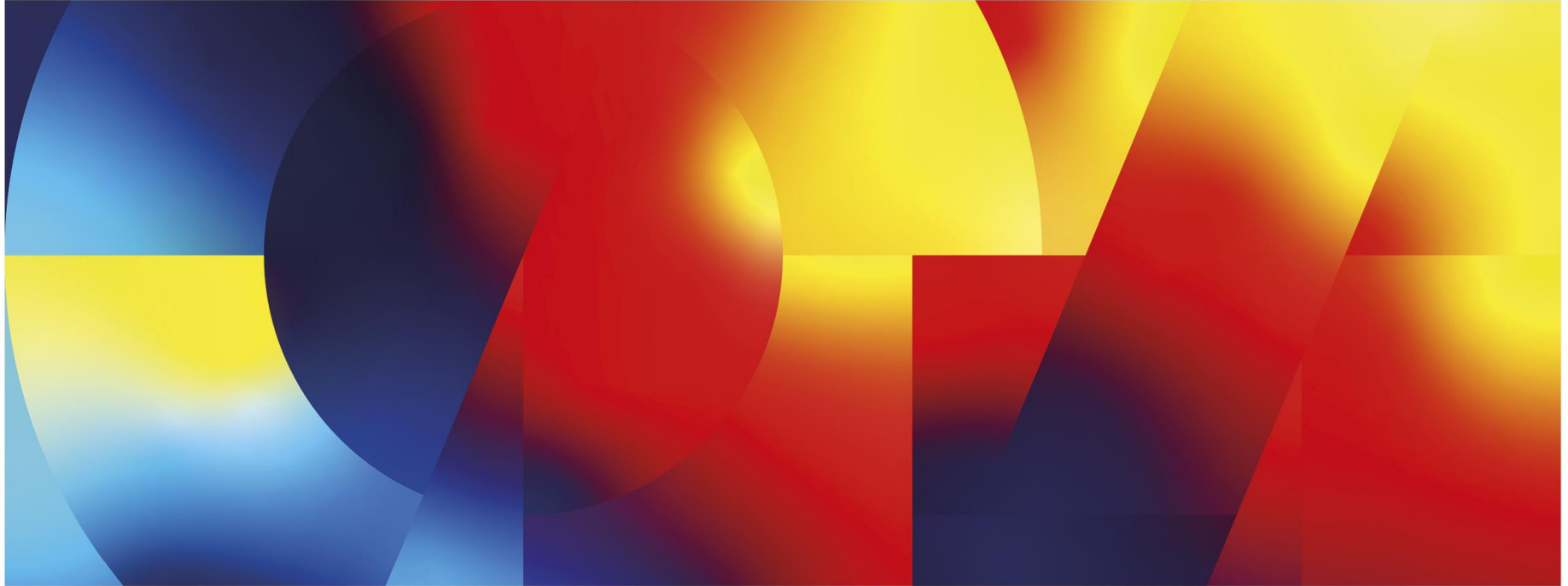


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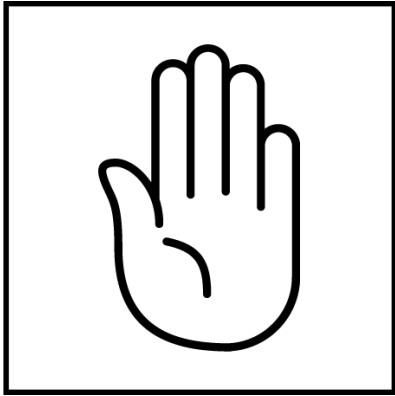
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Top 10 tips for managing sickness absence in GP practices and primary care



Housekeeping



Contacting employees who on sick leave

Can you contact an employee when they are off sick? If so, when's the best time to contact them?

- Yes, it is permissible for an employer to contact an employee when they're off sick.
- It's important that both the employer and employee stay in regular contact during absence, especially if it's long term sickness absence.
- We strongly recommend that in the case of long term sickness absence you should agree with the the employee:
 - how often the contact should be
 - if the contact is to be by email, phone or face-to-face meetings
 - who the employee is to be in contact with – this might be their line manager, another manager or an HR manager

Contacting employees who on sick leave (cont.)

Can you contact an employee when they are off sick? If so, when's the best time to contact them?

- Keeping in contact means as an employer you can:
 - check on the wellbeing of the employee
 - see if the employee needs any support
 - talk about any relevant updates or changes happening at work
- Keeping in regular contact means that there is a better chance that the employee might be able to make a successful return to work after their period of sickness absence, or if unfortunately it appears unlikely that they can return the employer will be in a better position to address the issue formally.
- Where an employee's absence is due to a mental health condition, it's particularly important to consider whether less or more frequent contact is most appropriate.

One of your members of staff is off sick with stress and anxiety. One of their colleagues has reported to their manager that they have seen pictures of them on Facebook and it looks like they have been at a family party whilst they are off sick. What should you do if anything?

- Employers have to be very careful not to jump to conclusions and make assumptions that someone isn't well enough to do certain activities outside of work.
- It is important to remember that being on sick leave is a declaration that someone isn't well enough to undertake their work duties not that they're not able to participate in other aspects of their life.
- Employers should be considerate of the fact that there are situations where an employee attending a social event during sick leave, may not actually be something that shows they're actually well enough to work. It is highly likely that, this social interaction could be very beneficial and aid recovery, especially when dealing with cases involving absences due to mental health.
- Examples: someone working in a charity shop whilst on sick leave, an employee seen smoking outside of a social club, working for a different employer during sick leave.

Lifestyle choices while on sick leave

What should you do?

- Don't jump to conclusions
- Trust and confidence issues if you are connected with someone on social media but also their manager
- Monitor the situation
- If you believe that the employee's social activity is becoming a problem – in that it might not be aiding recovery or demonstrates that they might not be as unwell as is being claimed – then you can look to address it with them in a catch-up meeting. We would recommend that you are cautious about immediately taking disciplinary action.

Do you need to do a return to work interview for every episode of sickness absence?

- There isn't a legal obligation to carry out a return to work interview after every episode of sickness absence and employers can use discretion.
- Return to work interviews are helpful though in order to establish:
 - Whether the employee is in fact well enough to return to work or not
 - If an employee has had a number of persistent short term absences querying with them how they think they can look to reduce their level of sickness absence
 - Making sure that the reasons for the absence that you have been told previously by the employee are correct
 - For long-term sickness absence returns, welcoming the employee back and agreeing with them how they will work on their return, exploring whether there is anything else they require.

Can an employee return to work if they still have a valid fit note?

- Yes, but you need to be careful to make sure that the employee is genuinely well enough to return to work.
- ***“You should go back to work as soon as you feel able to and with your employer’s agreement – this may be before your fit note runs out. You do not need to go back to see your doctor before going back to work. Your doctor cannot give you a fit note stating that you are ‘fit for work’.”***
- Tricky balance for the employer – duty of care to both the employee and others that it provides a safe place of work.
- Explore the reasons for the desire to return to work.
- Do you need further medical advice – occupational health report?

What happens if an employee is due to be on holiday whilst off sick? How do you treat their absence and what pay should they receive?

- It is possible for an employee to request that a period of time scheduled for holiday is in fact taken as sickness absence. The purpose of the holiday is for genuine recuperation and being sick during it can deprive the employee of this.
- The right is not necessarily automatic and clearly there is a threat that a small number of employees will look to abuse this right.
- It is entirely appropriate for an employer to consider: did the employee notify the employer as soon as possible? What medical evidence do they have to support the claim that they were unwell during their holiday? Would the illness stop the employee doing their job had they not been on holiday – might be difficult to establish but worth considering.

Can you dismiss someone if they are on long term sick for a reason related to their disability

- **YES!!!!**
- It is about the process you follow and the investigations you undertake as you would with any dismissal
- Process – have regular conversations – how are you? Explore the diagnosis. What about a return to work? Is there anything we can do to help?
- Obtain occupational health advice/specialist advice on diagnosis, prognosis and any reasonable adjustments.
- Do you need specialist advice?
- Has the employee any thoughts on what adjustments they may need?
- Expectation that warning system in place as part of management process.
- Before any dismissal have to have up to date medical evidence.

What happens if someone refuses to allow you to see their Occupational health report? Can you still dismiss them for their sickness absence?

- **YES!!**
- Understand why they are refusing to provide consent to view their medical report. Can you give assurances.
- can proceed without the medical report and make a decision based on the evidence in front of you
- Explain to employee consequences of not providing consent to see the report.

What does a "duty to make reasonable adjustments" mean and does it apply to everyone in every situation?

- Applies to job applicants and employees who are disabled
- Disability definition:
 - “ *A person has a disability if the person has a physical or mental impairment, and the impairment has a substantial and long term adverse effect on his ability to carry out normal day to day activities*”
 - You do not need to have a diagnosis – its the effect of the impairment that must be considered and not its cause.

What does a "duty to make reasonable adjustments" mean and does it apply to everyone in every situation?

- Duty applies where a provision criterion or practice, physical feature puts the disabled person at substantial disadvantage compared to a non disabled person.
- Employer must take such steps as it is reasonable to take to avoid that disadvantage.
- Duty doesn't apply unless the employer knows or ought to have known that the person is disabled.
- Make enquiries of employees – sensitive balancing act
- COMMON ADJUSTMENTS: working hours, physical features of work place such as desks, computer programmes, changing duties and responsibilities.

How to manage cases of long COVID

- Have been calls to recognise long Covid as a disability by the TUC
- NICE guidelines identify post Covid syndrome as signs and symptoms that develop during or after an infection consistent with Covid-19 and continue for more than 12 weeks and not explained by an alternative diagnosis.
- Study in the Lancet - known long Covid symptoms are fatigue, post exertional malaise (health worsens after physical or mental exertion), chest pain and brain fog.
- Ongoing research studies to gain a better understanding of the effects of long Covid and identifying treatments.

How to manage cases of long COVID

- On the face of it you manage long COVID as you would any other long term illness. Regular meetings, medical reviews, advice on return to work, whether any adaptations to the workplace or their role to help a return to work etc.
- The issue have with long Covid is that it is (in medical terms) a relatively unknown illness. Difficult to obtain definitive advice on how a person is going to react and improve.

How to manage cases of long COVID

- SO what can you do:
 - ACAS have produced a guide. Recommend you read
 - The Faculty of Occupational Medicine at the Royal College of Physicians has also produced a guidance on long Covid for managers and employers.
- Keep open communication with your employees. Make sure check in with them. Record conversations. Symptoms are going to effect people differently and need to appreciate that.
- Offer support through OH, employee assistance programmes, physiotherapy/psychological support.
- You will be getting the medical advice from OH and consider their recommendations. Keep getting updates
- Keep an open mind. Flexibility. Think outside the box.
- You don't want to lose your staff.

Can you adjust sick pay for those people not vaccinated?

- Generally speaking no - if someone is ill, they are ill.
- You may have a discretionary contractual sick pay scheme and the wording there may allow you to exercise discretion but will depend on the wording of the scheme.
- Different position is someone is self-isolating because they are a close contact. They are not technically ill.
- If you do wish to change contractual position will need to consult with staff and change terms and conditions giving the usual notice.
- Take legal advice.

Questions and answers

Thank you

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