

Managing sickness absences and self-isolation

A free guide from Marsh Commercial



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In these challenging times, it's no surprise that you may have come across a rise in sickness and absenteeism in your business.

Our experts have summarised how you can best manage short-term to long-term sickness and absence. Including the process you should follow, return to work interviews, and recurring absences.

Implement processes

As part of your absence policy, you should define the process both employees and employers should follow. Consider:



Set out the time period employees have to inform their manager of their incapacity to work. Some employers request this one day before, others say within one hour of the employee's normal start time – it's up to you.



We'd recommend you request your employees to call in sick over the phone. If they're unable to do so themselves, someone needs to do it on their behalf. When the employee reports in, ask them what type of illness they have and what their predicted return date is.



When the employee returns to work, conduct a back to work interview – regardless of how long they've been off for. Back to work interviews can act as a deterrent, in that employees will be less likely to take time off if they have to formally sit and chat about the reason of absence.



Are your employees aware of their actions?

- ☐ Make it known that you actively record and monitor absences.
- ☐ Follow a fair and consistent procedure and, where appropriate, take disciplinary action against those employees who fall short of the attendance standards.
- ☐ Ensure that employees are aware of the impact of their absence, both on customers or clients, and on their work colleagues.
- ☐ Treat employees in the same way as you would expect to be treated.

With this process, you need to be able to respond flexibly to a particular individual's circumstances (e.g. 10 years' service with no absence, but this year they're having a spate of bad health). You also need to take into account any potential 'discrimination' issues connected with the absences.

Fit notes

If an employee is off sick for up to seven days and less than eight days, they can self-certify their sickness. For any period of absence that exceeds seven days, a fit note from their GP will be required. If the fit note states that the employee is OK to work then no further action is required.

If the fit note states that the employee can gradually return to work with lighter duties, if practically possible, you should accommodate this.

If this isn't something you're able to work around, then the employee should stay off work and your normal sick rules would still apply.

If an employee fails to provide you with a fit note covering their sickness absence, it could result in Statutory Sick Pay (SSP) not being issued for the period of absence.

Source: gov.uk/taking-sick-leave

Return to work interviews

If possible, you should arrange the return to work interview to take place on the employee's first day back. The interview should be conducted by anyone with the authority to do so – like their line manager or a HR professional. During the interview, you should ask the employee the following questions:

- ☐ What illness caused them to take time off work?
- ☐ Did they see a GP?
- ☐ Did they receive any treatment or medication(s)?
- ☐ Did they follow the correct absence reporting procedure?

You should then address any attendance problems and/or conspicuous absence patterns and once the interview has finished, you should then document everything that has been discussed in writing.

Pay

Employees who are off work due to sickness for four or more executive days in a row are entitled to SSP. They may receive more depending on your company sick pay scheme – if you have one. And remember, all qualifying employees are eligible for SSP from day one of their employment with you.

Managing short-term sickness

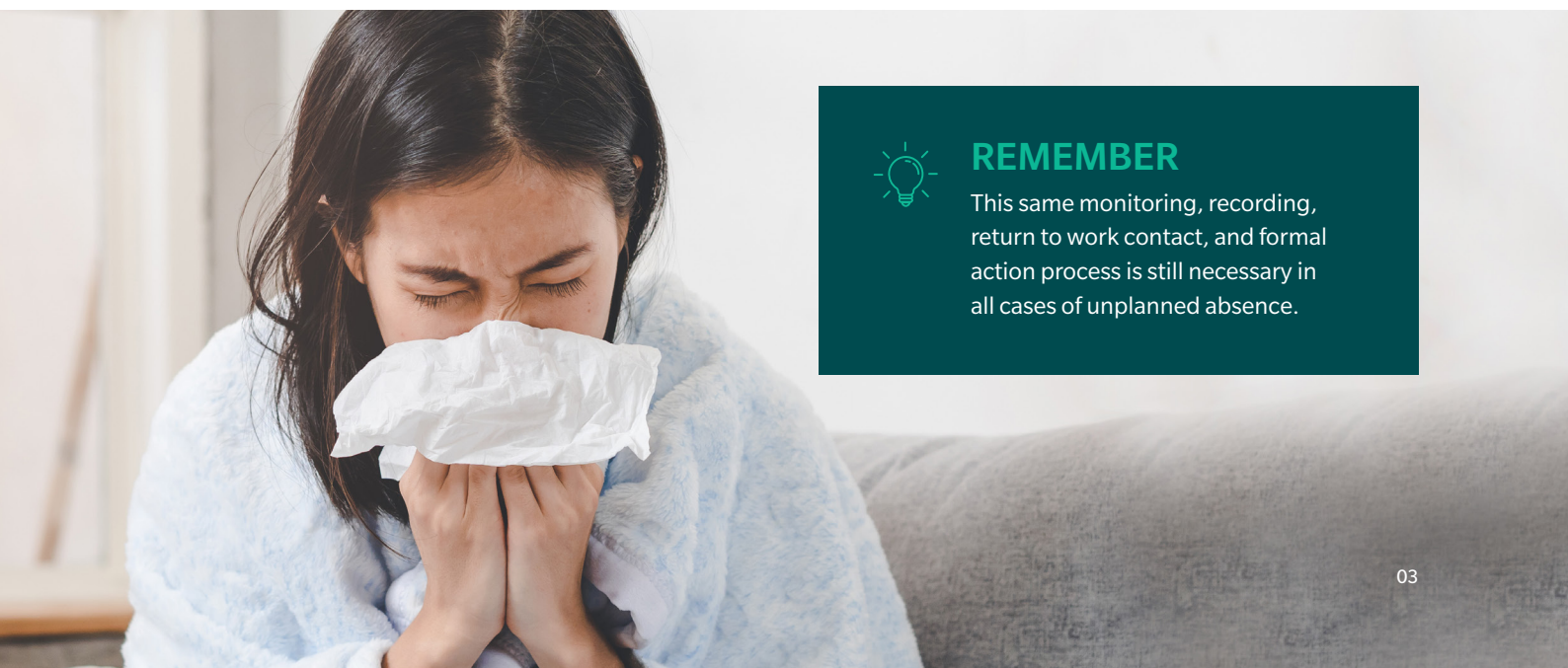
We've all experienced it one time or another during our working life – "I'm not feeling too good today, can I be bothered to go to work or not?" and levels of short-term absence in a business depend on each individual's answer to this question.

All you can do is monitor the absences, record the details, hold return to work interviews, and when the absence level becomes unsatisfactory, take disciplinary action.



REMEMBER

This same monitoring, recording, return to work contact, and formal action process is still necessary in all cases of unplanned absence.



Managing self-isolation absences

With COVID-19 being an ongoing battle, it's likely that you will have to deal with self-isolation absences. Here are the key details you need to know as an employer.



Who needs to self-isolate?

People must self-isolate for 10 days if:

- ☐ They have any COVID symptoms.
- ☐ They test positive for COVID-19.
- ☐ They live with someone who tests positive.
- ☐ They live with someone who has COVID symptoms (unless they have a negative test).
- ☐ They're told to isolate by NHS Test and Trace; Test and Protect in Scotland; Test, Trace Protect in Wales or Northern Ireland's Contact Tracing Service ('close contact' self-isolation).
- ☐ They arrive in the UK from a red list country.
- ☐ They arrive in the UK from an amber list country (fully vaccinated people and under-18s are exempt from this).

If someone is 'pinged' by the NHS COVID app – this alert tells them they've been in close contact with someone with COVID-19 – they're advised to self-isolate for 10 days, but this isn't a legal obligation.

Fully vaccinated people in England will not have to self-isolate if a close contact tests positive for Covid from 16 August.

Source: nhs.uk/conditions/coronavirus-covid-19/self-isolation-and-treatment/when-to-self-isolate-and-what-to-do/



Who doesn't need to self-isolate?

Fully vaccinated critical workers in England in certain industries - including health and care staff - will be able to leave close contact self-isolation to attend work if they have no symptoms and have tested negative.

Employers will be notified by their governing department if the rules apply to critical workers in their sector. This scheme is subject to strict limitations – including it being absolutely essential that they attend work and are subject to daily testing.

Homeworking for those self-isolating

Although the government's advice to work from home has also ended, according to the government website, it is still an offence for an employer to allow a person who is required to self-isolate to work anywhere other than where they are self-isolating (normally their home).

This applies only when they're required to self-isolate following a positive test, they've been contacted by NHS Test and Trace or their local authority, or where they are required to quarantine after returning from abroad.

Failure to do this can result in a Fixed Penalty Notice (FPN) being issued to employers.

The fine is:

- £1,000 for a first FPN
- £2,000 for a second FPN
- £4,000 for a third FPN
- £10,000 for a fourth and subsequent FPNs.

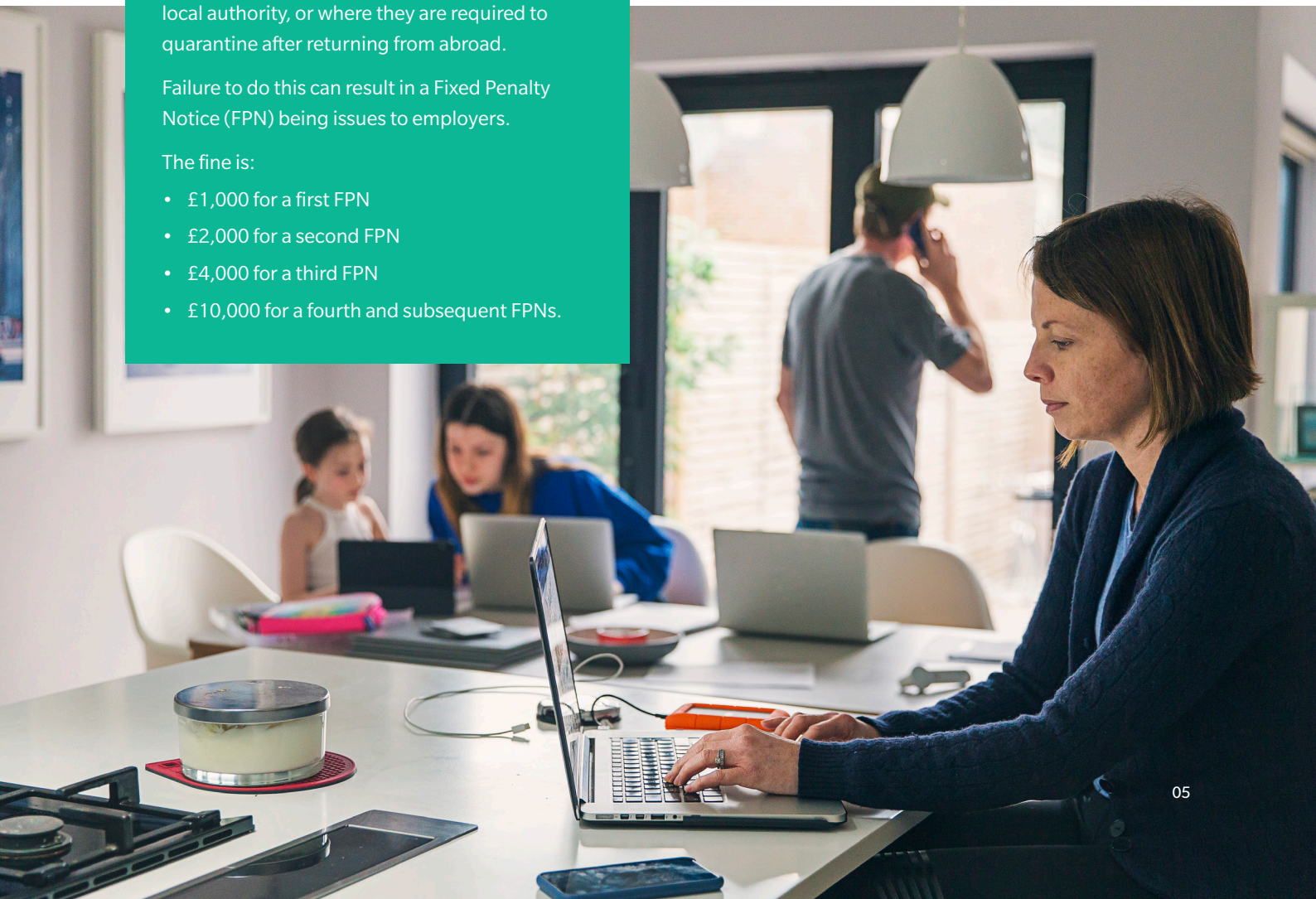
Managing long-term sickness

Long-term sickness absence can also affect the business and knowing when to take action or decide that the employment can no longer continue is a fine balancing act.

Once an employee has run out of Statutory Sick Pay (SSP), it is seen as an easy option to just ignore them on the basis they are unlikely to come back to work but aren't costing the business anything.

However, they remain an employee accruing employment rights such as the right to paid holidays, so it's important to take action to identify if and when they are likely to return to work, and if not then when might it be appropriate to terminate their employment.

In such circumstances, you will always be advised that, before any ultimatum can be set on a return to work date or date for dismissal, you will need to have followed a fair procedure. This will include having regular welfare meetings with the employee and being in contact with the employee throughout their absence, not just when their SSP runs out.



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