



# Absence Management

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October 2025

# Reasons for Absence

- Apart from annual holiday entitlement, an employee might need time off work for reasons including:
- short-term and long-term sickness, including mental health conditions
- helping a child, partner or relative
- bereavement
- medical appointments
- pregnancy-related illnesses and appointments, including IVF
- bad weather or travel disruptions, making travelling to work difficult or impossible

## Reasons for Absence (2)

- Each workplace might have different rules on what they see as acceptable reasons for absence and what they will pay.
- For this reason, every workplace should have its own absence policy, so it's important to check this.

# What should an absence policy cover?

- An absence policy should make clear exactly what's expected from both the employer and employee if the employee needs to take time off work.
- An absence policy should include:
  - how to report absences, including who the employee should contact and when
  - when the employee needs to get a sick note

# What should an absence policy cover? (2)

- when return to work discussions will be held and with who
- how and when to keep in touch
- how the employer keeps track of absence and if they set any review or 'trigger' points
- whether the employer provides occupational health or an employee assistance programme (EAP) and when this starts
- how much the employee will be paid and for how long – see more on sick pay

# What should an absence policy cover? (3)

- If your workplace does not have an absence policy, the employee can ask their employer or HR manager what to do if they need time off work. The employer should follow best practice as outlined in this guide.
- There are some areas that are covered by law, for example:
  - Statutory Sick Pay (SSP)
  - sick notes ('fit notes')
  - time off to help dependants

# Taking time off to help someone else (1)

- Anyone who is legally classed as an employee can take time off to help a dependant who needs long-term care.
- The law is the Carer's Leave Act 2023. It came into effect on 6 April 2024.
- The right to take carer's leave applies from the first day of work.
- An employee can take carer's leave to give or arrange care for a dependant who needs long-term care.

# Time off to help someone else (2)

- An employee's dependants can include:- husband, wife, partner, civil partner, their child, their parent, a person who lives in their household (not tenants, lodgers or employees), a person who relies on them for care (eg. an elderly neighbour).

## What counts as a long term care need?

A dependant has a long term care need if:-

- (i) They have a disability in terms of the Equality Act 2010;
- (ii) an illness or injury that is likely to need care for at least 3 months;
- (iii) a care need related to old age.

# Time off to help someone else (3)

## What carer's leave can be used for?

- Taking their disabled child to a hospital appointment;
- Moving their parent who has dementia into a care home;
- Accompanying a housebound dependant on a day trip.

## How much time someone can take.

- Employees can take up to 1 week of carer's leave every 12 months.
- Leave can be taken as half days, full days or a whole week.

# Time off to help someone else (4)

## Pay

- An employer might choose to pay their employees for this type of leave but they do not have to.
- Employees must give their employer notice before the start of their leave.
- The minimum notice they must give will depend on how many days of leave they want to take.

# Time off to help someone else (5)

- An employee does not have to:-
- put their request for leave in writing;
- give their employer evidence of their dependant's care needs;

An employee might need to take time off at short notice to care for a dependant. Employers should be flexible about time off where they can be. If an employee cannot give the minimum notice for carer's leave, they could take time off for dependants.

# Time off to help someone else (6)

## Minimum Notice Requirements

Number of days requested	Minimum notice required
Half a day to 1 day	3 days' notice
1.5 to 2 days	4 days' notice
2.5 to 3 days	6 days' notice
3.5 to 4 days	8 days' notice
4.5 to 5 days	10 days' notice
6 days (if an employee works 6 days a week)	12 days' notice

# Time off for dependants (1)

- By law, anyone legally classed as an employee can take time off to help a dependant with an emergency. The law is the Employment Rights Act 1996.
- A dependant is a close family member or someone who depends on you.
- The law does not say how much time an employee can take off, or how many occasions. It just says the amount should be 'reasonable'.

# Time off for dependants (2)

- An employee can take time off if they need to help a dependant when there's an unexpected problem or emergency.
- For example:-
  - helping a dependant who is ill, injured or assaulted
  - taking a dependant to hospital when they go into labour unexpectedly
  - a child's school unexpectedly closes
  - a dependant dies.

# Time off for dependants (3)

- The employee should let their employer know as soon as possible that they need time off. They should explain the reason for the time off and how long they expect it to be.
- An employer might choose to pay their employees for this type of leave but they do not have to.
- An employer might offer other types of leave that employees could use instead of time off for dependants.
- For example they might be able to take:
  - compassionate leave
  - unpaid special leave

# Difficulty getting to work

- If an employee cannot get to work or is going to arrive late because of bad weather or transport problems, they should tell their employer as soon as possible.
- There is no legal right for an employee to be paid for working time they've missed because of bad weather or travel disruption.

# Fit notes and proof of sickness

- Fit notes used to be called sick notes. A fit note is an official written statement from a doctor giving their medical opinion on a person's fitness for work.
- They might also make recommendations for how the employer could support the employee.
- Whether you need a fit note depends on the length of sickness absence.

## Fit notes and proof of sickness (2)

- If someone is absent due to sickness for 7 calendar days or less (including weekends), they do not need a fit note.
- This means they tell their employer they're not well enough to work and do not need to provide any further medical evidence.
- This is called 'self-certifying' their sick leave. They should still be paid the amount of sick pay that's in their contract.

# Fit notes and proof of sickness (3)

- If someone has a period of sickness absence for longer than 7 calendar days (no matter how many days they work each week), then they should get a fit note from their doctor.
- If the employee knows they're likely to be off sick for longer than 7 days, they should try and get the fit note to their employer on the 7th day of sickness absence.
- Doctors cannot provide a fit note before the 7th day of absence.
- If there's a delay getting a fit note, for example difficulty booking a doctor's appointment, the employee should contact their employer and explain.

# Fit notes and proof of sickness (4)

- A fit note will say the employee either:
- is not fit for work
- might be fit for work
- Where the doctor says the employee might be fit for work, they can give details of what level of work they consider the person is able to do.
- They might say the employee is fit for work in general, but not for a specific task.

# Fit notes and proof of sickness (5)

- The doctor might suggest in the fit note ways the employer can help their employee get back to work. For example:
- a ‘phased’ return to work where they might come back for a limited number of hours or days a week to start with
- flexible working
- different duties
- making changes to their workstation or working pattern (‘reasonable adjustments’)

# Fit notes and proof of sickness (6)

- The employer should carefully consider any fit note recommendations as they can help the person get back to work quicker.
- If it's not possible for the employer to do anything the doctor has recommended, the fit note will change from 'might be fit for work' to 'not fit for work'. There is no need to get another fit note.
- Some workplaces might have an occupational health scheme or employee assistance programme (EAP) to help the return to work process.

# Fit notes and proof of sickness (7)

- If the employee has a disability, by law the employer must consider making reasonable adjustments to help them return to work and carry out their job.

# Access to medical records

- An employer can ask for a doctor's report about their employee's health if it's needed to stick to the law. For example to:
- assess whether the employee is fit to carry out their work
- prevent health and safety risks
- prevent disability discrimination
- The employer can only do this if the employee agrees.

# Access to medical records (2)

- The employee can also:
  - ask their doctor not to give information they think could be damaging or is not relevant
  - ask to see the doctor's report first
  - not agree to the doctor's report being shared with their employer if they disagree with what it says
  - If the employee does not wish the employer to see their medical information, the employer will have to make a decision based on what they know and are told by the employee.

# Unhappy with how absence handled

- If the employee feels their absence or sick pay was not handled fairly or correctly, they can raise the issue with their employer.

# Time off because of a mental health issue

- If someone needs time off because of a mental health issue, it's important to take the matter seriously and be supportive.
- You should also:
  - check how your workplace deals with absence to find out how the absence should be managed
  - keep in touch during the absence

# Time off because of a mental health issue (2)

- Remember that the amount of time off needed can vary, depending on:
- how severe the issue is
- the person affected (everyone's experience of a mental health issue is different)
- The employee might need continued support or time off after they return to work.

# Keeping in touch during absence

- It's important that both the employer and employee stay in regular contact during absence, especially if it's long term.
- They should agree:
  - 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

# Keeping in touch during absence (2)

- Keeping in contact is a good chance to:
- check on the wellbeing of the employee
- see if the employee needs any support
- talk about any relevant updates or changes happening at work
- 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.

# Unauthorised absence

- Unauthorised absence is when someone does not come to work and gives no reason for their absence or does not contact their employer.
- Other terms people might use include:
  - 'AWOL' or absent without leave
  - absent without permission
  - The employer should try to contact the absent employee as soon as possible, including using any emergency contact they have.

# Unauthorised absence (2)

- If contact cannot be made, the employer should discuss the absence with the employee when they come back to work.
- If the employee cannot provide good reason for the absence and lack of contact, the employer might consider further investigations for possible disciplinary action.

# Unauthorised absence (3)

- If the employee is struggling to attend work
- The employer might consider formal action if their employee:
  - keeps taking sick leave or being late (some HR systems have 'trigger' points to keep track of attendance records)
  - has unauthorised absences
  - seems to have trouble doing their job

# Returning to work after absence

- When someone is ready to return to work after an absence, the employer should have a procedure they follow. You can check your workplace's absence policy for this.
- Your workplace might have a policy for meeting with employees after absences.

# Returning after a long-term absence

- If there's been a long absence or the employee has an ongoing health condition, it's a good idea for the employer and employee to meet and:
- make sure the employee is ready to return to work
- talk about any work updates that happened while they were off
- look at any recommendations from the employee's doctor
- see if they need any support
- if the employee has a disability, see if changes are needed in the workplace to remove or reduce any disadvantages ('reasonable adjustments')

## Returning after a long term absence (2)

- consider a referral to a medical service such as occupational health
- discuss an employee assistance programme (EAP), if it's available
- agree on a plan that suits you both, for example a phased return to work

# Returning after a long term absence (3)

- Making reasonable adjustments
- If an employee has a disability, by law their employer must consider making 'reasonable adjustments' if needed to help them return to work.
- Reasonable adjustments could include making changes to the employee's:
  - workstation or working equipment
  - working hours
  - duties or tasks

# Returning after a long term absence (4)

- This can help:
- get people back to work quicker
- prevent any further problems
- For the best course of action, the employer should take advice from:
  - the employee himself
  - the employee's doctor
  - their occupational health adviser

# Phased return to work

- A 'phased return to work' is when someone who's been absent might need to come back to work on:
  - reduced hours
  - lighter duties
  - different duties
  - For example after a:
    - long-term illness
    - serious injury
    - bereavement

## Phased return to work (2)

- The employer or their HR manager and the employee should agree on a plan for how long this will be for.
- For example, they could agree to review how things are going after a month and then decide to increase the working hours or duties, or they might decide they need to stay reduced for longer.
- The employer or HR manager should continue to regularly review the employee's health and wellbeing in the workplace and make new adjustments if necessary.

## Phased return to work (3)

- If the employee returns to their normal duties but on reduced hours, they should get their normal rate of pay for those hours they work.
- For the time they're not able to work, they should get sick pay if they're entitled to it.
- If the employee is doing lighter duties, it's up to the employer and employee to agree on a rate of pay. It's a good idea to make sure this agreement is put in writing.

# Multiple absences and employee struggling

- If an employer is concerned that their employee has a lot of absences or is having difficulties doing their job, they might need to look at the next steps.
- For example, your workplace might use a capability or performance management procedure to help the employee. This could involve mentoring or training.

# Unhappy about how return to work handled

- If an employee is unhappy with how their return to work has been handled, they should first raise it with their employer.

ANY QUESTIONS???