

AUGUST 2015

CHECKLIST

Long-term absence



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This checklist applies where an employee is absent from work on grounds of ill health on a long-term basis. Where the employee's illness/condition could amount to a disability, it will be important to take separate advice.

INITIAL CONSIDERATIONS

- The absence policy and disciplinary procedure must be followed in full.
- Long-term absence must be handled in a sympathetic and sensitive manner and appropriate adjustments made to communications and procedures to take account of the fact that the employee is absent from the workplace.
- Consider the employee's personal file and training record to gain an overall picture.
- Review the length and nature of the absence. Check whether the employee has been referred to occupational health and/or whether additional medical evidence is available. Where appropriate arrange for medical evidence to be obtained.
- Check whether there is an indication of when the employee might be fit to return to work.
- Quantify the damaging impact which their continued absence is having on the business.
- Ensure all notes taken and records made throughout the process are thorough and objective.

MAINTAINING CONTACT

- Ongoing contact should be maintained with the employee to discuss their progress, to understand the nature and impact of their condition and, if relevant, to discuss their return to work. It is also important to discuss if there is anything that can be done to assist the employee, for example adjusting their hours of work or the role itself. Ideally this contact would be face to face.
- The employee should be assured that any suggestions or options they propose will be given due consideration.
- Following any meeting with the employee, all issues raised meeting must be considered. Further medical evidence should be obtained if appropriate.
- Before deciding what the next stage is in managing an individual's absence relevant matters to consider will include whether and when the employee is likely to return to work; whether any adjustments would enable their return; whether sufficient medical evidence is available; and whether the absence is having an adverse effect on the business.
- If a return to work appears unlikely, then unless any other alternatives are available, for example acceptance for permanent health insurance, then dismissal on grounds of ill health may be the only option. The employee should be advised that no decision will be made until the matter has been given full consideration over a further specified period of time.
- The details of any discussions should be confirmed in writing.

DISCIPLINARY ACTION

- Where dismissal appears the likely outcome then a disciplinary hearing should be arranged and should be held at a suitable private location (which may be the employee's home).
- In advance of any disciplinary hearing, the employee should be told, in writing, why the hearing is taking place; the arrangements for the hearing; their right to be accompanied to that meeting and the potential consequences of the hearing.

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- At the hearing the concerns about the employee's continued absence should be explained and the adverse effect which this is having on the business quantified.
- The employee should be invited to respond to and comment on these concerns.
- Any medical reports and prognosis for return must be taken into consideration. The employee should be asked to suggest any adjustments which might enable them to return.
- The employee's companion should be permitted to address the hearing and to ask questions to clarify issues. The companion is entitled to support the employee but they may not answer questions on the employee's behalf. They may, however, put the employee's case and respond to any view expressed at the hearing.
- The key points of the employee's response should be summarised and their confirmation sought that the disciplining officer has understood it correctly.
- The meeting should be adjourned so that the outcome and any possible solutions can be considered. The outcome should take into consideration the impact of the employee's absence, any support already provided, their record and any mitigating circumstances. It will be important to consider whether a return to work is likely and whether entitlement to contractual sick pay has been exhausted.
- On reaching a decision it will be important to consider whether the proposed outcome it is reasonable in all the circumstances.
- Another meeting should be held with the employee to convey the decision and present them with written confirmation of the decision and appropriate details relating to the termination of their employment, where relevant. They should be advised of their right to appeal.
- All notes of the proceedings should be collected and placed on the individual's personal file.

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