



Line manager guide

Attendance management and disability

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This guide is for line managers – that's anyone who has direct managerial responsibility for one person, a team or a department.

This guide makes it easier for you to manage attendance by helping you:

- Spot the signs that someone might have a disability or long-term condition.
- Recognise when absences might be disability-related.
- Learn how to manage different types of absence.
- Treat your disabled colleagues fairly.
- Identify how work can be done differently to maximise the potential of your disabled staff.
- Decide if an adjustment is reasonable.
- Make sure you do not break the law.
- Know where to go for more help and advice.

As a line manager you have a vital role to play in enabling your team to perform to the best of their ability. You are responsible for creating an open and supportive environment at work where employees can talk about their problems and seek help early.

It is down to you to ensure that you keep in touch with employees who are absent long-term, to help them return to work as soon as possible. You will also have to ensure they get the support and assistance they need to stay at work once they return.

This is particularly important when you are managing disabled employees because you are required by law to enable them to return to work and make changes or 'reasonable adjustments' to help them do so.

Who are disabled people?

The term 'disabled people' covers a wide range of different people with different impairments, which may or may not affect how they do their job. Disabled people work in all types of roles. Disabled people do not necessarily take more time off sick than their non-disabled colleagues.

Disabled people are protected against discrimination at work under the Equality Act 2010.

Under the law the term 'disability' is so wide that people you might not regard as disabled and who may not even think of themselves as disabled are protected. This may include, for example, people with diabetes, asthma, back problems and mental health conditions like depression. Other people, who have cancer, multiple sclerosis (MS) and HIV are automatically covered.

Don't waste time trying to work out if someone meets the legal definition of disability. If a member of your team is having problems at work, talk to them, try to find out what would help and make any changes that you reasonably can to help them do their job. This is called making 'reasonable adjustments' and is something that the law requires you to do for disabled employees.

However, as you can't usually be sure whether someone would legally be considered disabled or not, it is best practice, and legally least risky, to make these adjustments for anyone who is having problems at work. This way you will have done all you can to try to help someone work to the best of their ability.

Reasonable adjustments

The law requires employers to make 'reasonable adjustments' for disabled employees. This means removing barriers wherever possible that get in the way of a disabled person doing their job. This can mean changing where they work, the way in which they do their job or providing equipment to help them.

You may, for example, have to:

- Allow someone with ME (Myalgic Encephalomyelitis) or Chronic Fatigue Syndrome (CFS) to work from home from time to time because the commute to work is too tiring.
- Let someone with a back problem start and finish work later so they can get a seat on the train.
- Provide specialist software for an employee with dyslexia to help them produce accurate reports and letters.
- Allow someone with depression to leave work early once a week to see their psychotherapist.

As a line manager you have a vital role to play in enabling your team to perform to the best of their ability.

What's reasonable?

When the law talks about 'reasonable adjustments', all this really means are adjustments that are both effective at enabling the disabled individual to perform in their role, and sustainable by the business.

A reasonable adjustment form will help you to decide whether or not a particular adjustment, be it a piece of equipment or allowing more time off sick, is reasonable. You can find a copy of this form in **Appendix four**.

The form requires you to ask and try to answer the following questions:

- How much, if anything, will the adjustment cost and how much can your organisation afford?
- How practical is it to make the adjustment?
- Will it be effective in removing or reducing the person's problems at work?
- How much, if any, disruption will making the adjustment cause?
- What effect, if any, will there be on other employees if the adjustment is made?
- Are there any health and safety implications for the disabled person or anyone else in making the adjustment?
- How long has the disabled person worked for you and for your organisation?
- Does the disabled person have valuable skills, contacts or training?
- Is help available from external sources such as the Access to Work Scheme?

Attendance management and disability

You might not be able to answer all these questions yourself and may need to talk to other people that you work with so that a joint decision is made on what is reasonable. Remember always to include the disabled person in all your conversations about what might enable them to do their job in a way that can be sustained by the business.

A line manager who makes adjustments realises that to get the best from their team they must not only recognise people's differences but use them to deliver the best results as a team. Remember, treating everyone the same does not mean that you are treating everyone fairly. Sometimes you need to encourage people to work in different ways in order to get the best from them. Many organisations already do this for all their employees, for example, by allowing flexitime. Adjustments for disabled employees are no different.

Knowing how to make adjustments will increase your confidence about recruiting disabled people and managing disability-related absence in your teams. For more information about how to make adjustments see our 'Making adjustments' line manager guide or contact our membership advice service: advice@businessdisabilityforum.org.uk.

Did you know?

3.9 million UK employees have a disability – that's just over 11% of the UK workforce.

Source: Labour Market Statistics, February 2017

Why should I want disabled people in my team?

You probably already have disabled people working for you – they might just have decided not to tell you about their disability. This could be because it doesn't affect the way they do their job or they could be worried about how you might react.

Remember too, few people are born with a disability and the prevalence of disability rises with age. Only 7% of children have a disability, compared to 18% of working age adults and 44% of State Pension age adults^[1] so it is very likely that in your career you will manage more than one person who becomes disabled while working for you. Indeed this is going to become increasingly likely because the population as a whole is ageing (by 2020, almost one in three workers will be over the age of 50).^[2] As society and the education system also becomes more inclusive of disabled people, we can also expect to see more young disabled workers entering the job market for the first time. There is an increase of over 42% more students with a known disability entering higher education than in 2010.^[3]

[1] Family Resources Survey 2015/2016.

[2] 'Performance and Retirement Practices: Get It Right' CIPD FEB 2012

[3] Higher Education Funding Council for England, 2016

Attendance management and disability

Being seen as a manager and employer who treats disabled people fairly will also mean that you:

- Become an employer of choice.
- Retain employees who have valuable experience and knowledge if and when they acquire a disability or health condition as they get older.
- Reduce sickness absence levels and early ill-health retirements (as this guide will show you).
- Will protect yourself and your organisation from claims of unlawful discrimination.

For more information about the law visit our website: **businessdisabilityforum.org.uk** or contact our membership advice service: **advice@businessdisabilityforum.org.uk**.

Scenario one

Amy,

New manager

Amy has just taken over as the manager of a team, which she has been told has some problems.

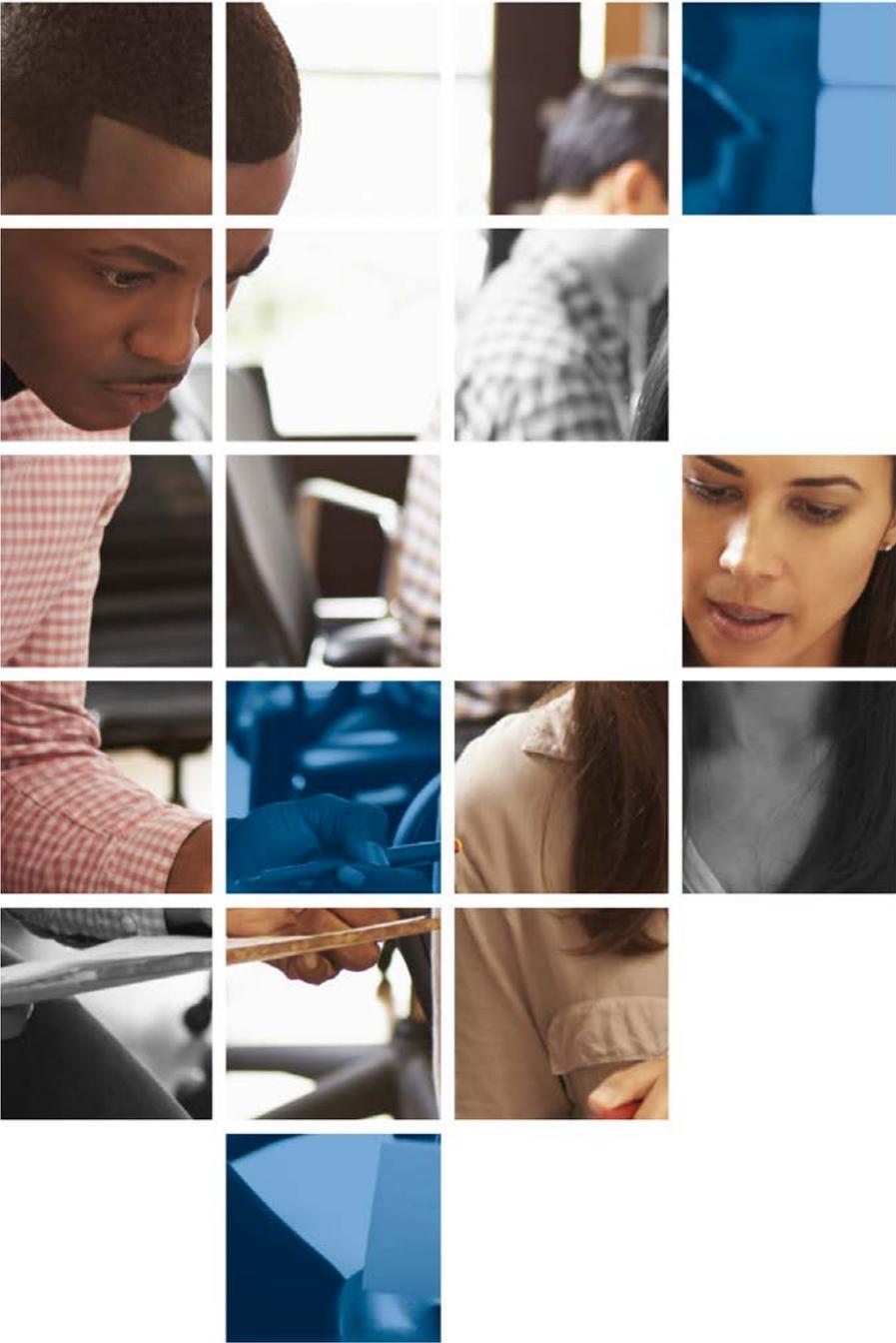
Amy asked for the files on all the team before she started and has noted that one member of the team is on long-term sick leave. Sickness absence levels generally within the team seem to be quite high and a number of members of staff have left. As a result the team did not meet its targets last year.

However, one of Amy's first tasks is to recruit a new member of staff.

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Sickness absence levels generally within the team seem to be quite high and a number of members of staff have left.

Recruitment



What questions can you ask?

What adjustments does an applicant need before they start work?

What help is available?

Past history

Many organisations ask applicants how much time off sick they have taken in the past year or two. Some even ask former employers this in requests for references. It is unlawful to ask candidates, prior to job offer, questions about their health that are not directly related to their ability to do the job for which they are applying. You should not be asking these questions on the application form or at the interview. Indeed, you should consider whether you need to ask these questions at all.

You may be asking because you think that if someone has taken a lot of time off sick in the past they are likely to do so again. This isn't necessarily true. If you reject a candidate because of their past sickness absence record not only might you lose a talented employee but you might be discriminating against them if the absences were due to a disability.

Indeed, you should consider whether you need to ask these questions at all.

Attendance management and disability

Medical history or past sickness absence levels are not always a reliable indicator of future work performance because past absences might relate to:

- A former employer's unwillingness to make adjustments.
- A "one off" illness in that year, e.g. chicken pox.
- A newly acquired or diagnosed disability which the person is now managing well.
- Time off for an operation from which the person has now recovered and which might well prevent future absences, e.g. a hip replacement.

During recruitment, it is lawful only to ask candidates about adjustments that they might need to the recruitment process, rather than in the job itself. If your recruitment process is well designed, this will assess a candidate's ability to perform in the role without relying on assumptions about their disability or health condition.

Once you have made a job offer, it is important to discuss what adjustments an applicant will need before they can start work and to check whether and how quickly your organisation will be able to implement them. You may need to talk to your IT team or providers to discuss appropriate software and how long it will take to implement, or to your facilities managers about widening doorways or lowering shelves, for example.

Help may be available from the Government's Access to Work scheme in the form of assessments and a contribution towards the cost of adjustments. Applications for Access to Work support must be made by the disabled person and you should discuss this with them once you have made a job offer. You can find out more about Access to Work in **Appendix one**.

Medical questionnaires and occupational health reports

If your organisation requires applicants to complete a medical questionnaire or to be assessed by an occupational health adviser after a job offer, make sure that they are only asked about things that are relevant to the job for which they are applying.

You are likely to be the best person to know what needs to be done in the job. Do not single out disabled candidates or candidates who had frequent absences in a previous job to complete medical questionnaires or see an occupational health adviser as this could be seen as discriminatory.

Make sure that the occupational health adviser has an up-to-date job description that details the tasks the person is required to carry out. Ask the adviser if the person might have difficulty carrying out any of the duties and if adjustments might be needed. You will then need to decide, with the help of your colleagues, if the adjustments recommended are reasonable and can be implemented.

Such adjustments may prevent the individual needing to take time off sick in the future.

You are likely to be the best person to know what needs to be done in the job.

Scenario two

David,

Candidate
for Interview

Amy has decided that she would like to invite a candidate named David for interview.

Although David seems to have some good experience he doesn't appear to have been in work for the past year. Amy, however, believes David meets the minimum criteria for the job and his past experience is interesting.

The letter inviting David for an interview asks if he has any particular requirements. He asks if the interview could take place in an accessible room as he uses crutches. He also asks if there is parking near the office.

At the interview Amy asks David what he has been doing since his last job.

David tells her that he had been working full-time in a job similar to the one he is applying for two years ago when he was diagnosed with multiple sclerosis (MS). He found working increasingly difficult as on some days he could not climb the stairs or use public transport to get to work and travel between offices, as required. He was off for six months and then resigned before he was dismissed. He has not worked since but he has recently started to use crutches or a small scooter and he has got himself an adapted car which means he is mobile and ready to work again.

After he is offered the job, Amy asks David whether he will need any adjustments in his role. David tells Amy that he has learnt to manage his disability and does not think he will need any more time off sick provided he can have a parking space close to the office and perhaps work from home occasionally.

Attendance management and disability

You don't need to know if a person meets the legal definition of disability and your occupational health adviser or the individual's doctor won't be able to tell you this. This is because whether or not someone is considered disabled under the Equality Act is a legal decision that can only be made by a court or tribunal, it is not a medical one.

What you do need to know is whether or not the person will have difficulties carrying out any of the job tasks. If so you should think about what adjustments will be needed. Your occupational health adviser should be able to suggest adjustments that will help or enable the person to carry out their job tasks. It is for you as the manager to then decide, possibly with help from your colleagues, if the recommended adjustments are reasonable.

You may also need to seek help from other experts such as a health and safety adviser or someone who can carry out a workplace or IT assessment. You should check if your organisation has a policy or process to help you make adjustments for disabled people.

Always make sure that the disabled employee is included in these conversations and ask them what adjustments they think they need. Many disabled people will already have a very good idea what adjustments they need, but you shouldn't assume that this is the case. If the person has a newly acquired disability or hasn't been in work recently they are unlikely to know what is available or possible in the workplace, so it's your role as the manager to help them identify anything that might enable them to work at their best.

Attendance management and disability

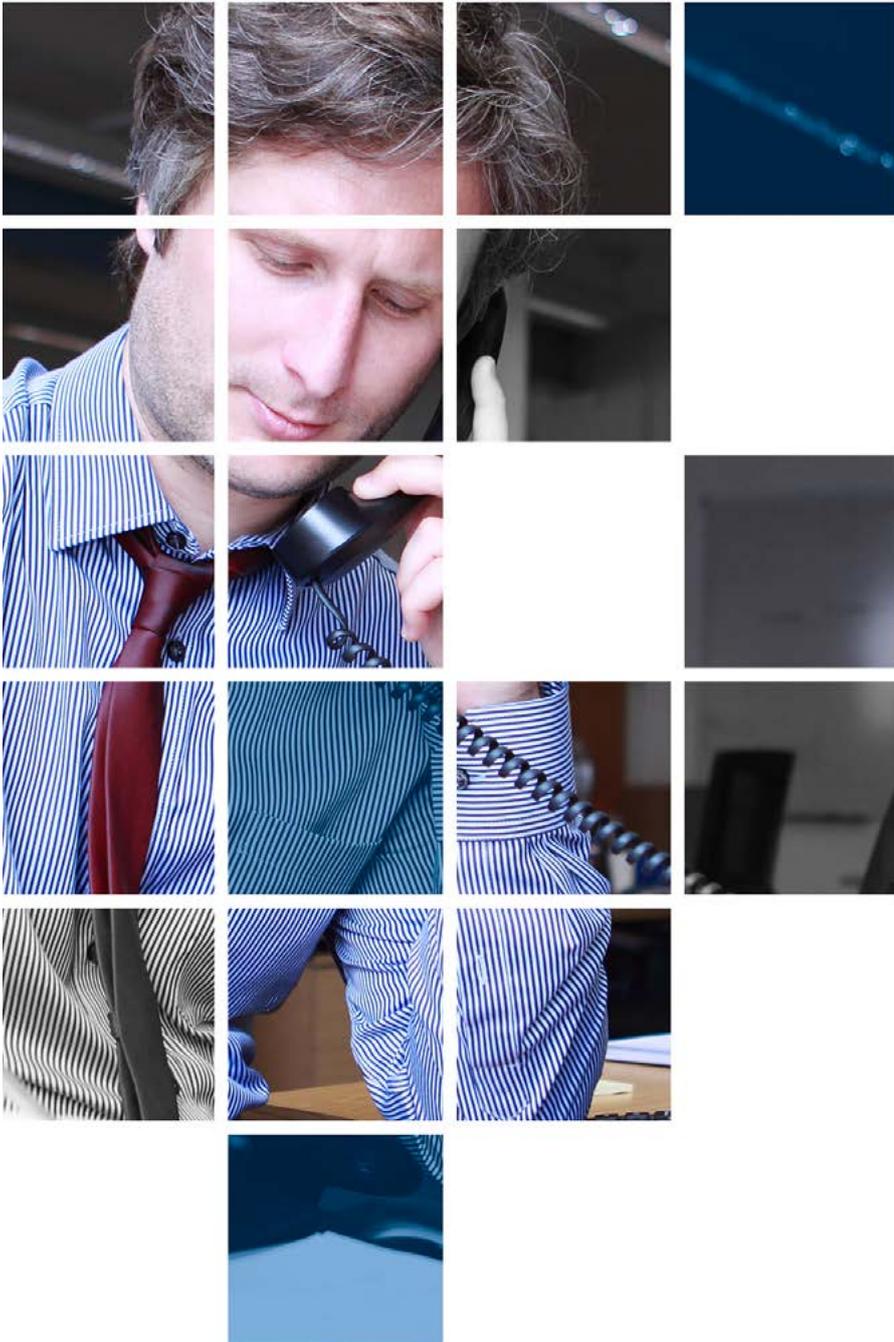
Remember, advances in technology may mean that adjustments are possible now that were not available only a few years ago.

In many cases the adjustments needed may not be adapted equipment or physical changes to environment. Changes to working hours, location, shift patterns or time off for treatment or appointments are all adjustments frequently needed by disabled employees. As a line manager you are best placed to decide if these adjustments are possible in any particular case.

Decisions must be made on a case-by-case basis because what is reasonable for one employee in a particular job may not be reasonable for someone else.

You should check if your organisation has a policy or process to help you make adjustments for disabled people.

Managing absences in work



Spotting the signs – trigger points

In the course of your career as a manager it is very likely that you will be managing one of the 3.9 million working people in the UK who has or acquires a disability.[4]

Being disabled is not the same as being ill, and not everyone with a disability will need to take time off work. A stable condition like a hearing or sight impairment, for example, would not cause people to take more time off sick, so you would expect people with these impairments to have attendance records that are no different to their non-disabled colleagues.

However, there are signs you should look out for which mean that someone you manage might have developed an illness which might be or become a disability. Keep an eye out for changes in behaviour, appearance, routines, performance or attendance.

Did you know?

In the course of your career as a manager it is very likely that you will be managing one of the 3.9m working people in the UK who has a disability.

Source: Labour Markets Statistics, February 2017

[4] Office for National Statistics (2016), Labour Force Survey, Q3 2016.

Attendance management and disability

Bear in mind that some of these signs could initially be viewed as 'positive', but can be an indication of an underlying issue.

For example, an employee:

- Working excessive hours or committing to an unrealistic number of projects.
- Appearing withdrawn, distracted or in pain.
- Becoming uncharacteristically gregarious, chatty or sociable.
- Exhibiting unusual attendance patterns, such as taking regular sick days or booking frequent time off as annual leave.

The key here is to identify changes in an employee's usual behaviour, routines, attendance, appearance or performance.

Don't be afraid to talk to the person and ask them if the working environment or working arrangements are making it difficult for them to do their job well. If so, make adjustments to help overcome the barriers the person is facing. The law requires you to make reasonable adjustments for an employee if you know or could reasonably be expected to know someone is having problems doing their job because of a disability.

Keep an eye out for changes in behaviour, appearance, routines, performance or attendance.

Scenario three

Amy and the team

Amy monitors her new team's performance for a month, during which time David starts work.

She is pleased with David and thinks she has made the right choice in recruiting him but is concerned about Daniel and Caroline. Both are often late in the mornings or try to leave a little early and frequently call in sick for a day or two at a time.

Although the team had met recent targets, despite the understaffing, Amy has noted that output has dropped and neither Daniel nor Caroline are going to meet their targets this month.

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Both are often late in the mornings or try to leave a little early and frequently call in sick for a day or two at a time.

Attendance management and disability

Signs like those listed should alert you to the possibility that the person has a disability and so you must talk to them about the problems they are having.

Remember that the person may not think they have a disability or realise the impact their condition is having on their work. They may not have any more idea than you about what adjustments are necessary or even possible. In these situations seek help from other people or departments in your organisation like human resources, occupational health, IT and facilities managers. If your organisation is a Member or Partner of Business Disability Forum you can contact our advice service, or other disability organisations for help and advice.

Absences from work, whether long or short-term are one of the most obvious indicators that an employee is having problems doing their job.

Watch for:

- **Frequent unpredictable short term absences** e.g. a day or two here and there.
- **A period of long-term sick leave** i.e. more than two weeks for which there is no specific diagnosis like chicken pox or flu that explains the absence and from which the person will recover.
- **Requests for short periods of time off** for doctor's appointments, tests or treatment perhaps taken as annual leave.
- **Persistent lateness or going home early.**

Attendance management and disability

Indicators, like those set out earlier, do not necessarily mean that an employee has a disability but may mean they are having problems doing their job.

Talking to an employee might reveal they have been taking time off sick to deal with difficulties at home such as debt or relationship problems. They may have caring responsibilities, for a child or an elderly or disabled relative. Allowing an employee a short period of time off in these situations might be enough for them to make arrangements that mean that their overall attendance improves. Employees with caring responsibilities should be told what adjustments and time off they are entitled to, e.g. to request flexible working and be reminded that they should not take this time as sick leave.

Although only considered 'reasonable adjustments' in the legal sense if these are made for a disabled individual to overcome a barrier related to their disability, these are all adjustments that might help a person keep and perform in their job and prevent them from acquiring an illness or disability brought on by stress. In practice, these are very similar to adjustments you might make for a disabled colleague.

Remember even if the indicators, including sickness absence, are disability-related, the person might not see their condition as a disability or describe themselves as disabled. They may, however, tell you that they have been feeling unwell, going for tests or adjusting to new medication. In this case, discuss with them any changes to the working environment or arrangements they think might help. You can make adjustments without using the legal language of 'reasonable adjustments' or requiring the individual to describe themselves as disabled – the important thing is whether it enables them to do their job.

Scenario four

Amy and Daniel

Amy arranges to meet both Daniel and Caroline.

She makes sure she has their job descriptions, attendance records and has read their last appraisal notes before the meetings.

She speaks to Daniel first and reassures him that this is just a meeting to discuss how he is getting on and to see if there is anything she can do to make it easier for him to do his job.

She tells him that she has noted that he was late once or twice a week in the last month and he had two days off through sickness. In addition he had missed two deadlines on projects recently. She tells him that she is surprised by this because his last appraisal showed that he met all his targets last year and said that he was a committed member of the team.

Amy asks Daniel if he is happy at work and if he is having any problems that are making it difficult for him to come into work on time and do his job.

Daniel tells Amy that he gets on well with all the team and has no problems. He apologises for missing the deadlines and says that he will try harder to come in on time.

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Daniel tells Amy that he gets on well with all the team and has no problems... A few weeks later Daniel asks to speak to Amy. He tells her that he has been feeling fed up and de-motivated at work recently.

Amy accepts his reassurances but tells him that if his attendance doesn't improve she will ask him to see the occupational health adviser just to make sure that he is fit to do his job and to find out if there is anything she could do to help him meet his deadlines and targets.

A few weeks later Daniel asks to speak to Amy. He tells her that he has been feeling fed up and de-motivated at work recently. This is because he feels the department has been understaffed for so long. One member of the team, Usha has been on long-term sick leave and his colleague Caroline is frequently off sick at short notice.

He does understand that it is not his colleagues' fault that they are absent but it has meant that he has had to pick up their work.

He said he had been working long hours and on weekends for nearly six months but recently he had felt that he had had enough and had stopped because he was so tired.

Amy says she understands that it has been difficult for Daniel and hopes that now David has joined the team Daniel's workload will ease. She speaks to the HR team and agrees that Daniel can take a week as additional paid leave in recognition of the long hours he has worked so that he can rest. Following this however, targets must be met. Daniel promises Amy that when he returns his time keeping and attendance will improve.

Attendance management and disability

Finally, in some cases an employee might benefit from thinking about changing their career path, or organisation, whether or not they are disabled. Again talking to them about their performance and attendance with a view to improving it to more acceptable levels will help you and them to identify this.

Following guidelines for managing disability-related absences and making adjustments will help you to manage everyone. To help you decide what is reasonable you can use the reasonable adjustments form included in **Appendix four**.

Managing short-term absences

As a line manager you should be monitoring unplanned, unpredictable short-term absences a member of your team is taking.

Your organisation is likely to record all absences centrally but it is good practice for you, as a line manager, to regularly do this if you are able, or keep a note of absences in your own team so that you can be aware of any increases in short-term absences or patterns that might emerge.

Most organisations do not require a medical certificate from a GP for absences of fewer than seven days. An employee who is off sick for fewer than seven days may not need to see their GP and may well find it difficult to get an appointment at short notice. GPs may also charge for statements of fitness for work in these circumstances as it uses valuable patient appointment time when the visit is unnecessary.

Your organisation might, however, require the employee to complete a self-certification form and send this to the Human Resources department or it might allow you to note them locally, particularly if the absence was not for a full-day.

Recording sickness absence

It is best practice for an employer to record absences from work in separate categories i.e.

Sickness absence	Disability-related sickness absences
Disability leave	Carer's leave
Study leave	Paid/unpaid leave
Compassionate leave	

For a fuller explanation of these terms see **Appendix two**.

Recording absences in this way will enable you, as a line manager, to see quickly and easily why someone has been absent. You can then decide whether or not to take the absences into account when making decisions about your team.

For example, you might agree that as an adjustment you will allow an employee who medical advisers have said will need more time off sick an agreed number of additional days before speaking to them under your sickness absence review policy (see below). Whether or not this is reasonable will depend on the nature of the person's job. Recording these separately as disability-related absences will enable you to make decisions that are fair.

You might also decide to discount disability-related absences when making decisions about promotion, training opportunities or when calculating bonuses. In cases of performance related pay, this may also be a legal requirement. You may need to discuss this with your HR team if you have concerns and decisions about pay are outside of your control.

Speak to your HR team about how absences are recorded in your organisation.

Attendance management and disability

Whatever your organisation's policy, it can be helpful for you to make a personal record of absences in your team. This will help you to notice any patterns that might be worth addressing, for example:

- Frequent absences on Mondays and Fridays or either side of other days that the employee does not normally work.
- Regular absences on the same day or at the same time.
- An increase in the number of absences at a particular time of year.

Consider also whether you have noticed anything else about an employee who is taking a lot of short-term sick leave. For example, has their performance, appearance or behaviour changed in any way?

If absences are frequent you need to arrange a meeting to talk to the employee. Indeed, your sickness absence policy may state that more than a specified number of absences in a year is a 'trigger' point for a review meeting.

The purpose of this meeting is to:

- Try to discover any underlying reasons for the absences.
- Discuss with the employee the impact that their absences might be having on the rest of the team.
- Find ways to reduce the amount of time off sick they are taking.

It is important to note that this should not be a disciplinary meeting and the employee must not feel that it is. Reassure them that this meeting is to help you understand why they are taking so much time off sick and to find ways to help. Otherwise the employee might feel that they are being pressurised into coming into work when they are not well rather than to discuss adjustments that they need in order to be able to work.

Attendance management and disability

At the meeting make sure that you have all the information you need including (where appropriate):

- How long the employee has worked for you and the organisation.
- Sickness absence records for previous years.
- Previous and recent work performance (including appraisals).
- Emerging patterns of absences and length of absences.
- The current job description and workload.

Although it may be helpful to seek advice from your HR team, whether or not any further action needs to be taken after this meeting is ultimately for you, as the line manager, to decide.

Disability-related short-term absences

It may emerge that an employee has been feeling unwell and has needed to take the time off sick.

They might not know why they are unwell or they may have an illness or disability that has either just been diagnosed or is changing over time. Remember, they might not use the word disability as many people do not think of themselves or wish to be thought of as disabled. Use your own judgement as to whether this absence is disability-related; whether or not an employee uses this language to describe themselves has little practical relevance.

Talk to the employee about any aspects of the job that they are finding particularly difficult e.g. early mornings or long days, travel or using their workstation. You may be able to change some things immediately, but it is likely that you will need more information before adjustments that will really help are identified. This may mean referring the employee to your occupational health adviser. You may be able to do this directly or through HR.

Attendance management and disability

It is important to reassure an employee that what you want is advice on what adjustments can be made to help them to do their job and improve their attendance.

You need to make it clear that this not a route to their being dismissed or having to take early ill health retirement.

Make sure that the occupational health adviser is sent:

- An up-to-date job description detailing the tasks the person is required to carry out.
- An outline of any tasks they have said they find difficult or that you have noticed that they are having problems with.
- Their sickness absence record from previous years and their current sickness absence record.
- Any other relevant factors such as current workload, peak periods of activity coming up, cover required for other team members.

Your occupational health adviser may need to write to the person's GP or specialist for more information about their illness or disability but they cannot do this without the person's permission.

When you receive the report from the occupational health adviser first make sure that it has taken into consideration all the information that you asked the adviser to look at before writing the report. If it has not, ask for another report that does take it into account. Then discuss the report and any adjustments that are recommended with the employee. You may need to have a second meeting with other people i.e. from HR, IT or facilities, a health and safety adviser or someone who can do workplace assessments. With their help you should make the adjustments the person needs.

You should continue to monitor the person's sickness absence levels as you should with everyone in your team. Make sure too that you have regular meetings to review the adjustments you've made to ensure that they are working.

Time off for regular treatment or appointments

You might discover from your conversations with the person or from the occupational health adviser's report that the person needs time off work for regular treatment. For example the person might need regular physiotherapy or psychotherapy sessions or dialysis. This might explain why they have been taking a few days or hours off from time to time.

In this situation you might, together, be able to agree adjustments that will help you and the organisation to accommodate the appointments.

For example:

- Arranging appointments at the beginning or end of the day and making up the time by starting or finishing later that day.
- Making up the time during the rest of the week.
- If the person works shifts, altering shift rotas to allow the person to go to appointments on days off.
- Allowing the person to take the time they need without having to make it up, especially if it is for a short, fixed period of time e.g. two months.

Sometimes, it won't be possible to arrange the time off that the person needs in their current job. This might be because it is a core requirement of the job that they are present at certain times of the day – a lone receptionist in a small office, for example. If it's not possible for anyone else to cover this person's duties for a short time, you will need to talk to your HR team about the next steps. This might include arranging temporary cover until the person is able to return to work full-time, or if these appointments are likely to continue indefinitely, transferring the person to a suitable vacancy where the absences can be accommodated.

Scenario five

Amy and Caroline

At her meeting with Caroline, Amy again reassures her that this is just to see how she is getting on and to ask if there is anything she can do to help her do her job.

Amy tells Caroline that she has noted that Caroline is late most mornings, has called in sick for the day on four occasions and has had one longer period of absence during the last two months.

Caroline is initially defensive and says she is working as hard as she can. Amy agrees that Caroline seems to be working hard throughout the day but she is still struggling to meet her targets. Amy asks if Caroline is having particular problems with any part of her job.

Caroline then becomes tearful and says that she has been finding it hard to cope because she has recently become a single parent and her son has been having problems at school. She admits that some of the days she has taken off sick have in fact been because she needed to deal with her son.

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Caroline admits that some of the days she has taken off sick have in fact been because she needed to deal with her son.

She has, however, been to see her GP and has received a diagnosis of depression. Her GP has prescribed Caroline with anti-depressants and referred her to a psychotherapist who wants to see her once a week for eight weeks.

The anti depressants make her drowsy and slow and this is why she has been late in the mornings. She also finds that they make it hard for her to concentrate when she is at work. She is very worried about the effect on her work and the possibility of losing her job and so says that she will not go to the psychotherapy sessions as they mean taking any more time off work as she cannot go in the evenings because of her son.

Amy reassures Caroline that she is not about to lose her job. Amy however suggests that Caroline thinks about going back to her GP to explain about the side effects of the anti depressants.

Amy also asks Caroline to see if it is possible to arrange the psychotherapy sessions at the beginning or end of the working day to minimise disruption. Even if this isn't possible Caroline can have the time she needs for eight weeks. The sessions may help Caroline at work in the long term and the organisation is committed to making adjustments such as time off for treatment for a disability like depression.

Finally, Amy tells Caroline that she must not take time off sick to look after her son. If there is an emergency or she needs to go to her son's school unexpectedly she should ring Amy to tell her and she should be able to take this time as carer's leave. Other time must be taken as annual leave.

More time off sick as an adjustment

In some cases your occupational health adviser may advise you that an employee is likely to need more time off sick than someone without their disability either generally throughout the year or at certain times. For example, cold or damp weather might exacerbate MS or arthritis and poor air quality during a hot summer might make asthma worse. In these circumstances you could consider:

- **Allowing the person to work from home** if they find it difficult to come into work but are well enough to do some work.
- **Allowing the person to work overtime** and “bank” extra hours to take when they are feeling unwell.

or

- **You could decide that it would be a reasonable adjustment to allow the person a few more days off sick** than someone without their disability before an attendance review meeting is triggered. You are unlikely to be able to do this without the agreement of the HR team but the courts have held that this could be a reasonable adjustment in some circumstances.

Remember that these are only suggestions for adjustments. Not all of them will work in every case, and whether or not they are effective and sustainable will depend on the specifics of an individual’s disability and job.

As a line manager, you need to consider what is reasonable for that particular employee in their job and in your organisation after taking advice from the appropriate experts such as occupational health advisers, ergonomic and workplace assessors, IT specialists or an Access to Work adviser.

If it is not reasonable to accommodate more absences in a particular job, the law then requires you to consider the further adjustment of transferring the person into another more suitable job. If there is a vacancy for which the person has the right skills or that they could be trained to do (with or without adjustments) then they should be transferred directly into that job without going through a competitive interview process.

Scenario six

Amy and David

A few months after starting work David calls in sick for three days.

On his return to work Amy asks to see him. She tells him it is her policy to try to talk to all her staff when they return from a period of sick leave to make sure that they are alright. David tells her that he has recovered now and thinks that it was the cold snap last week that made him feel unwell as the cold and damp affects his MS.

Amy asks if there is anything that could be done to help David and he suggests that working from home on days when it is particularly cold so that he doesn't have to go out might help. They agree that David will ring Amy on cold days when he is feeling unwell to ask if he can work at home that day.



David tells her that he has recovered now and thinks that it was the cold snap last week that made him feel unwell as the cold and damp affects his MS.

Attendance management and disability

Allowing someone to take more unplanned time off sick than someone without that disability might not be possible or sustainable in their current job. This may be because their job has time critical deadlines or because cover cannot be found for them at short notice. In this case you need to talk to your HR team about whether it would be possible to transfer the person to another job where such absences can be more easily accommodated.

You should only consider terminating someone's contract of employment, because of their sickness absence levels, after you have:

- Made adjustments to enable them to improve their attendance e.g. provided an adapted chair and keyboard, allowed them to work from home from time to time or changed hours of work.
- Accepted that they will take a greater number of days off sick because of their disability than other employees if it is reasonable to do so.
- Tried to transfer them into a suitable vacancy where adjustments will reduce their sickness absences or where it is possible to accommodate a greater number of disability-related absences if this is not possible in their current job.

Managing long-term sickness absence

It is likely that at some period in your career, as a line manager, you will have to manage someone who takes a long period of sick leave. That is probably a period of absence that is longer than two weeks. Employees can take a long period of leave for a variety of reasons; for example because they:

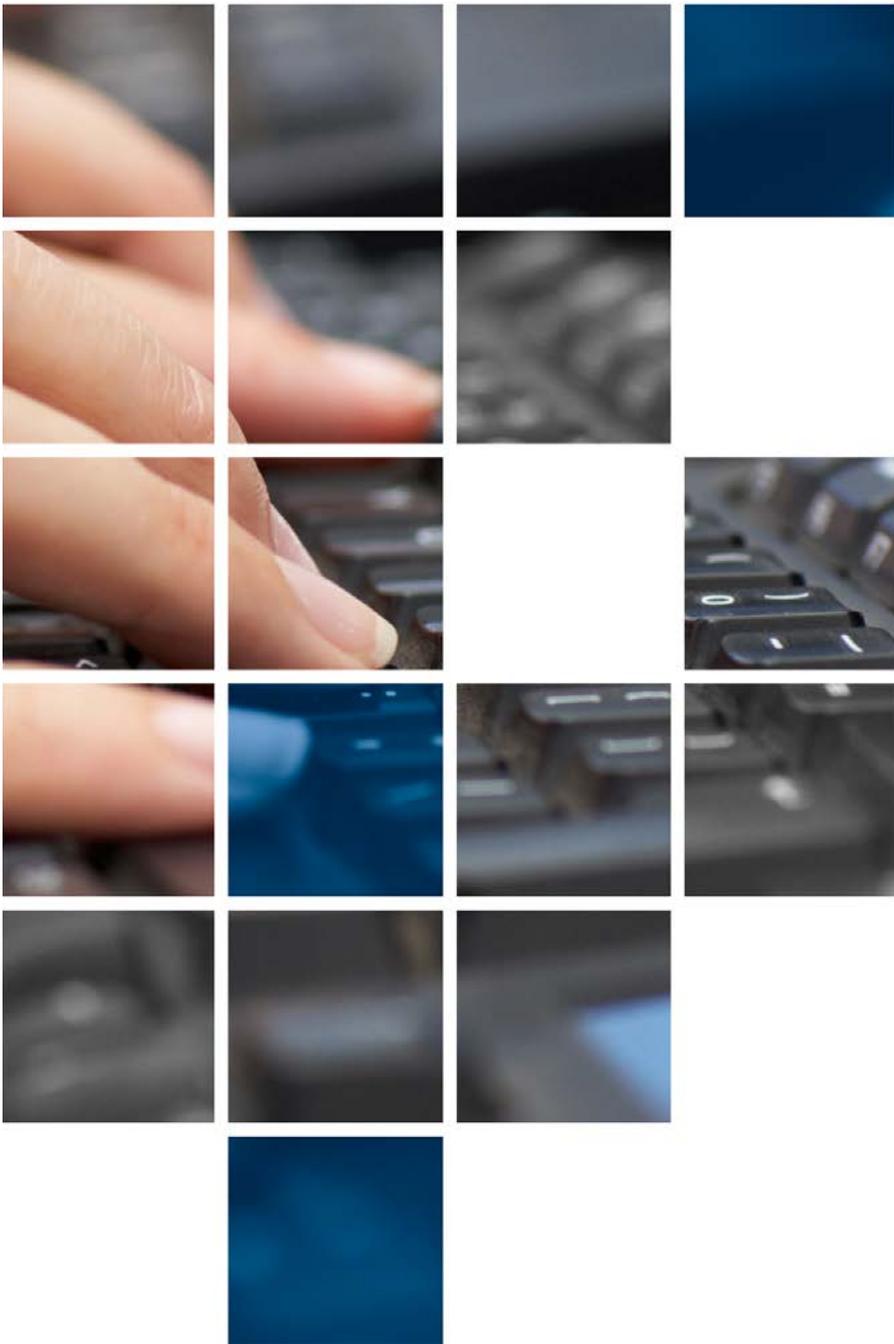
- Have an as yet undiagnosed illness or disability.
- Have been injured or diagnosed with a serious illness.
- They are experiencing mental ill-health, which they might refer to as stress or anxiety.

Preventing long-term absences

Regular meetings with people in your team, at which you discuss adjustments and any signs or triggers, might prevent someone going on extended sick leave. Avoiding long-term sick leave wherever possible will not only be better for the business but usually lead to better health outcomes for the individual, particularly in cases involving mental ill-health. Talking about any problems and referring them to your occupational health adviser when appropriate might reveal, for example, that:

- **They are experiencing back, neck or wrist pain.** This could be prevented by a workplace assessment and for example, a different chair, workstation, mouse, keyboard or by using voice recognition software. This might stop the person developing a back or neck injury or repetitive strain injury.
- **They are not coping with their workload or a particular aspect of their job.** Re-allocating tasks or providing additional training and supervision may well prevent them experiencing distress at work which might lead to mental ill-health.
- **They are not working well with a colleague or another manager.** If you discover bullying or harassment you must ensure that this is investigated as quickly as possible and stopped. You will need to talk to your HR team about this.

Keeping in touch



If someone is off sick for a long period you need to find out what your organisation's policy is on keeping in touch.

Some organisations tell employees in their contracts of employment that if they are off work for a certain length of time they will be contacted by their manager or HR and may be referred to an occupational health specialist. If your organisation does not have such a policy you should make sure you keep in touch with the person who is off sick.

It is important to reassure the person that all you are doing is contacting them to ask how they are. Some employees or their union representatives may view this type of contact as harassing the employee to return to work sooner than they feel able. Write to them, email or telephone (and ask which method of communication they prefer) to ask how they are and let them know that you do not want them to return to work unless they are fit to do so.

You do, however, need to know if there is anything you can do to help them when they are fit to return. To help you understand what adjustment they might need in order to return to work you may need to ask the person to see an occupational health adviser. Speak to your HR team about how this can be done but ensure that a mutually convenient time and date is arranged. If the person is having difficulty travelling to the appointment arrange transport such as a taxi. Your occupational health provider may also be able to visit them at home.

Scenario seven

Amy

Usha has been off sick for nearly six months.

Amy reads the notes on Usha's file and notes that no one seems to have been in touch with Usha recently. Amy contacts the previous team manager to ask why.

He tells Amy that Usha had been diagnosed with cancer and had gone off sick after starting chemotherapy. He had not wanted to add to her worries by contacting her at home and hadn't really known what to say to her.

Usha continues to send in statements of fitness for work from her GP that say she is recovering from surgery and chemotherapy. The last statement did suggest Usha might be fit for some work now.

Amy decides to contact Usha to see how she is getting on. Before doing so however Amy contacts the HR team to confirm her understanding that Usha's sick pay will be reduced by half after six months. The HR team informs Amy that Usha's pay will be reduced unless there is a good reason why it should not e.g. if the reason why Usha is still absent is because she is waiting for adjustments that will enable her to work.

“

Amy decides to contact Usha to see how she is getting on.

Attendance management and disability

Research suggests that the longer someone is off sick the harder it is to return to work. One of the key reasons for this can be fear. The person might believe that they will no longer be able to do the job or that things will have moved on so much while they were away that they will never be able to pick things up again. They might also be afraid that going back to work will overtire them or make them ill again.

Try to talk to the person about their feelings about returning to work. If possible do this face-to-face. Offer to meet them at a time and in a place that suits them. This might be in the workplace or it could be at their home or a neutral place like a café. They might want to be accompanied to this meeting by a friend or relative.

Did you know?

Research suggests that the longer someone is off sick the harder it is to return to work. One of the key reasons for this can be fear

Some adjustments that might help someone feel able to return to work

Ask the employee if they would like to be told what is happening in the workplace while they are away.

Offer to copy them into minutes of meetings on current projects, staff meetings or social events and newsletters that are circulated internally.

Suggest that they drop in for “a cup of tea” a couple of times before their return date to meet everyone again. This might be particularly helpful if there are new people who have joined since the person went off sick or if the person returning looks very different from when they were last at work following an accident or serious illness, for example.

Discuss a phased return to work with the person, your occupational health adviser and HR team. The person returning might be able to work a few short days to begin with and slowly build up to their previous hours. You will need to agree with your HR team how the person will be paid if they are returning to work on a phased basis. It might be reasonable to pay them their full salary for the shorter hours if there is a definite plan for them to return to their full normal hours within a specified time frame. This is something that you will need to discuss with your HR team and keep under review in case the person is not able to return to their previous hours in the time agreed.

Consider relocating the person to another office or branch or allowing them to work from home. This could be on a permanent basis or from time to time.

Scenario eight

Amy and Usha

Amy writes to Usha to introduce herself as her new manager.

She says that she is sorry to learn that Usha had been so ill and asks if Usha feels up to a telephone conversation the following Friday morning so that they can get to know each other. Amy suggests that Usha email or texts her or leaves a telephone message to let Amy know if she can telephone her. Usha emails Amy to say that she had an operation two months ago and is still receiving treatment but she is a great deal better than she had been and that she is available for a telephone conversation.

During the telephone call Usha asks Amy if she still has a job. Amy reassures her that there is still a job for her that she can come back to when she feels ready. Amy suggests that as a first step she and Usha should meet. Usha agrees to the meeting but seems reluctant to come into the office so Amy suggests a café in town.

At the meeting Amy allows Usha to tell her about the job she used to do, her illness and how it has affected her and her family and how she is now feeling much better than before even if things are not exactly the same. Amy asks Usha if she feels ready to come back to work, perhaps part-time and if there is anything that Amy can do to make returning easier. Usha tells Amy that she has been thinking about coming back as she is aware that her sick pay is about to be reduced.

“

Amy suggests that as a first step she and Usha should meet.

However, although she misses her colleagues and the daily routine of going to work she worries about how much she has missed by being away. She's not sure how she is going to get up to speed again, especially as she can get tired very quickly and may not be able to work long hours like before.

Usha then tells Amy that she's worried about how seeing her old colleagues because she is very self-conscious about the way she now looks as she has had a mastectomy and now wears a scarf to cover her head. She used to have long black hair and liked wearing fashionable clothes and has found the reaction of friends and family to the change in her appearance difficult.

Amy asks Usha how she would feel about coming into the office one day in the few next weeks for a cup of tea. Amy will tell her colleagues that she is coming in and she could catch up her old colleagues and meet the new people. In the meantime Amy promises to send Usha a copy of the latest internal newsletter and notes about a project that she thinks Usha will find interesting and on which she might work when she returns.

Usha's old colleagues were delighted to see her again and pleased that she might be coming back to work. Usha also said she felt a lot better having taken the first step towards coming back to work and realised how much she had missed it.

She makes an appointment to see her GP to talk to him about being signed fit to return to work.

Attendance management and disability

It is important, as the line manager, that you:

- Agree how time off for any ongoing treatment or appointments is going to be dealt with. See managing short-term absences above.
- Arrange for workstation assessments if appropriate and ensure that any equipment needed is ordered and in place before the person returns. This could be a different chair, workstation or adaptive software to enable them to use their computer.

Remember, if the person has been signed fit to return to work by their doctor but they cannot do so because you are waiting for equipment to arrive and be installed this should not be recorded as time off sick.

Your organisation may record this as 'disability adjustment leave' or something similar. The person should receive their normal salary during this period, as they are well and able to work, but delayed while they wait for the employer to put adjustments in place. This will mean that this time away will not lead to absence review policies being triggered or sick pay being reduced or running out in the future.

In practice, it is often your responsibility as line manager to check that equipment has been ordered and to chase it if necessary. You could agree for the person to come into work while they are waiting for these adjustments to carry out other duties if appropriate. It should be clear, however, that these are only temporary duties.

Attendance management and disability

Ask what, if anything, the person would like their colleagues to be told about their return to work. They may have specific things they want colleagues to know about their disability or health condition and as the manager you can help facilitate this. Always discuss this with the disabled person and remember, you can only disclose details about someone else's illness or disability with their explicit permission under the Data Protection Act. In practice, it is almost always better to support the individual in sharing this information themselves if they would like to do so.

Remember that the effects of a disability or health condition are very individual to the person involved, so the majority of any generic awareness training you provide will be of limited use.

Agree how time off for any ongoing treatment or appointments is going to be dealt with.

Scenario nine

Amy and Usha's GP

Usha's GP has said that she is fit to return to some work provided that she doesn't overdo things and has recommended a phased return.

Amy agrees that Usha should come back to work from the first of the following month initially working three short days a week for the first month and then increasing her hours to full time but perhaps working from home occasionally. The HR team agrees that Usha be paid her full salary for the first month even though she will be working part-time hours. This is in acknowledgement of her long service and because she intends to return to full-time work in a month.

Usha will try to ensure that her hospital appointments are on the days that she is not working during that time, although Amy is prepared to be flexible about the days that Usha works.

Six months later Usha is working full-time again. She did a presentation to a new client and has won a contract which means that the office is well on the way to meeting its targets this year.

Appendices

- Appendix one: Access to Work
- Appendix two: Recording disability-related absences
- Appendix three: What is a 'tailored adjustment'?
- Appendix four: Reasonable adjustments decision process and form

All the appendices can be downloaded by visiting:
<http://bit.ly/2rnyDT3>

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Our approach improves business performance and profitability through increased confidence, accessibility and productivity. We have more than 25 years' experience bringing together business people, disabled opinion leaders and government to facilitate the change for disabled people to be treated fairly and contribute equally to society and economic growth.

In representing almost 15% of the UK workforce, Business Disability Forum has contributed to the establishment and development of meaningful disability discrimination legislation in the UK. We provide pragmatic support to our Members and Partners by sharing our expertise and by providing training, in-depth consultancy and networking opportunities.

Our aim is to help organisations become fully accessible to disabled employees, customers and service users for mutual benefit.

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Attendance management and disability

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