

31 May 2023

# Weekly Blog

By: Philip Pearson



Record number of people off work due to long-term sickness: what on earth do we do?

Hello you lucky, lucky people – Turbo Care here.

Those eagle-eyed amongst you might have noticed something of a pattern in how our weekly blogs come out and you might be expecting a blog from Robyn today. Well! Seeing as Robyn, Rob and Emma have all gone on their holidays, Turbo Care is stepping in to make sure you're all kept up to date with the latest goings on in Employment & HR Law.

Don't feel too badly for me though because I may, or may not, be saving up annual leave for a once in a lifetime honeymoon in New Zealand later in the year. If we speak with any sort of regularity, I will probably have already bored you to death with our plans: Hobbit tours, wine tasting, star-gazing, whale watching, kayaking... paragliding (gulp!) My husband and I are already getting in some kayaking practice on his parent's rather large pond (not to mention the odd "wine tasting" practice here or there, ahem!)

Let's hope I stay healthy until then because goodness me, did you see the latest stats related to long-term sickness absence in the news recently? The UK has seen a record number of people off work sick long term.

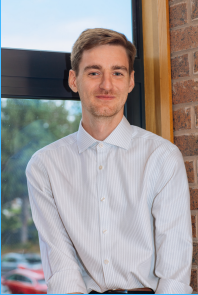
In fact, the Office for National Statistics figures suggested 2.55 million people were not able to work in the first three months of 2023 up to March. That's just over 6% of the UK's working population and an increase of almost 100,000 on the previous quarter.

There's a lot of factors at play here with (you guessed it) the hangover from the COVID-19 pandemic having a large part to play. Lots of people are suffering with the physical impact of long-COVID and many more are suffering with mental health issues that have been exacerbated by the pandemic. Added to that staff are working from home more, sometimes without specialist equipment which can increase repetitive strain injuries and there's a massive backlog in care following the pandemic so people aren't able to access medical professionals as readily as before.

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It's the perfect storm really isn't it? I'm going to take a stab in the dark and say many of you are going to have seen this impact first-hand.

## Getting the basics right

Let's start at the very beginning (I hear it's a very good place to start). Getting the basics right is going to give you a solid foundation to work from and, hopefully, will ultimately reduce absence levels.

But what do we mean by the basics? Well here's a few pointers for you:

1. Have an **effective sickness absence policy** in place – this is going to help you be clear on what is expected of you as an employer and what is required of your staff as well. You'll be able to reduce the legal risks associated with absence by making sure matters are dealt with consistently.
2. Make sure staff are **aware of** your policies – it's all very well having that policy in place but make sure your staff know what it says, otherwise it is pointless! Give it to them during their induction and provide regular updates.
3. **Keep track** of absences and **assess risk** – keeping track of absences or other issues that might lead to absence can help to prevent issues developing or snowballing into long-term sickness absence. Not only that but (and this is a big one) you're under a legal obligation to assess risks in the workplace generally. Best to comply with that requirement!

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4. **Train your staff** on dealing with sickness absence – again, it's all well and good having these policies in place but if your managers or team leaders don't know how to go through the process or how to have sensitive conversations, you're going to come unstuck. Training staff on how to deal with sickness absence is the best way to avoid this.

5. Make **reasonable adjustments** where employing staff with disabilities – of course, you're legally obliged to make reasonable adjustments for disabled staff. What's reasonable depends entirely on the circumstances, including the size and resources of the employer, and you definitely haven't got to make every adjustment under the sun! But, sometimes the simplest adjustments make the biggest difference and can reduce absence.

## Managing absence where it's long term

There's no definition of what is meant by long-term sickness absence, although for their statistics the ONS class long-term sickness absence as those who haven't worked for the previous 4 weeks and won't be in a position to work in the next 2 weeks, which is a pretty good guide.

One question we quite often get asked when employers have staff off on long-term sick, is whether they can contact the absent member of staff. A lot of the time employers are worried about harassing or pressuring the absent member of staff. We say: "you should absolutely keep in touch with absent staff!" Having reasonable and regular contact with staff out of work will help you to determine what steps to take next and it will also (normally) help the employee not to feel like they're being abandoned or ignored. What counts as reasonable contact will vary in each case and wherever possible you should try and agree the frequency and method contact with your staff member early on during their absence.

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By having those regular touchpoints it should soon become apparent whether and when a return to work might be likely. Where it becomes apparent that a return to work might be difficult, or where some extra support might be needed, that is the time where your sickness absence policy should step in as the hero of the day (with Team Precept's support, of course) and guide you through what to do next.

Remember! the goal of a sickness absence policy isn't always to exit somebody out the door and say goodbye, thank you very much. Instead, your policies and the steps you take in connection with them should be designed to identify where extra support can reasonably be given and, where it can't, to ensure that you are balancing the interests of your organisation and the employee. With that in mind, these top tips should be a guiding principle when you're dealing with long-term sickness absence:

1. Get medical input – as fab as you are, you aren't a medical expert (unless you've kept that under your hat, in which case bravo) and you need to make sure any decisions you're making are supported by medical evidence – that's going to help you show you've acted reasonably. The best advice we can give you here is making sure your referral for medical reports is really detailed and gives the person assessing the employee a clear insight into the requirements of the role.
2. Consider reasonable adjustments – obviously, it goes without saying you're obliged to do this. Try and think of reasonable adjustments yourself and if you can't, explain that to the employee and run through some that you've considered, explaining why you don't think they're feasible. Ask the employee to think about their own suggestions too.

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3. Consider redeployment – this one sometimes gets overlooked, but before you take any drastic steps, you should look at whether there are any alternative roles in your organisation that your absent employee might be able to do in light of their medical conditions. So, if you've got somebody off work due to physical restrictions, is there a less physically demanding job you can redeploy them to? You haven't got to go about creating new jobs for them, just make sure you're acting reasonably.

4. What about lesser-used alternatives – these definitely get overlooked quite a bit. What we're talking about here is things like ill-health retirement under a pension scheme (it's very rare but some employers do have pension schemes allowing this and you should check yours if you're dealing with an absent employee) or permanent health insurance (again quite rare but you never know).

5. If you've exhausted all reasonable avenues then be open about that – make sure you've kept your employee up to date on the consideration you've given to getting them back into work. This should be at formal sickness absence or capability meetings. Prior to any final meeting you should warn the employee that you think you've considered all reasonable alternatives for avoiding dismissal and you're now at a stage where you're having to consider whether the employee's continued employment is sustainable.

These conversations aren't pleasant. The employee often doesn't want to be off work sick but by guiding them through the process, if the worst comes to the worst, you'll hopefully help them to understand why it is that their employment can't continue.

If in doubt, give Precept a shout. We are experts on all things long-term sick and we want to share that expert knowledge with you!