

Managing Attendance

How to deal with short and long-term sickness
absence

1. Introduction

Highways England encourages employees to look after their health both at work and at home, whilst recognising that from time to time they may be unable to come to work because of illness.

With this policy we aim to strike a reasonable balance between operational needs and the genuine need of employees to take time off work because of ill health.

This policy replaces those in both the pre-15 and post-15 staff handbooks and applies to all employees. It covers both short term and long-term sickness absence and considers the protection offered by the Equality Act.

We have a duty of care to all our colleagues, and whilst there will inevitably be some sickness absence, we must also consider the effect this can have on efficiency, productivity, and others in the team

The purpose of this policy is to provide appropriate support to people who need time off work due to illness, to enable people to return to work and support them to enable to remain at work.

Where there is a concern an employee's absence may be affected by the relationship with their manager, they should discuss it with their countersigning manager or HR, who may arrange for an independent manager to undertake the procedure.

2. Who does this cover?

This policy applies to everyone who works for Highways England, regardless of their pay band or grade, whether full or part time, fixed term contract or permanent.

3. What does it cover?

- Short term absence - any period of sickness lasting 1 – 27 calendar days.
- Long term absence - any single occasion of sickness lasting 28 calendar days or more.

There are separate procedures for short-term and long-term absence, and there are other policies in place for time off work for personal reasons, such as parental, family emergency, special and bereavement leave, and unauthorised leave (see appendix 1 “other types of leave”). Managers should apply discretion when recording absences that are related to protected characteristics, including conditions such as maternity, disability, menopause, gender reassignment, and seek advice from HR Shared Services first.

4. Sickness Pay Entitlements

There are different entitlements to paid sick leave depending on length of service.

4.1 Service which commenced before 1 April 2015 (see appendix c for additional benefits)

Employees who started before 1 April 2015 are entitled to:

- Sick pay at the normal rate of pay for up to 6 months, in a rolling 12-month period
- Sick pay at half the normal rate of pay for up to 6 months in a rolling 48-month period
- If you have exhausted more than 365 days sick pay over a 4-year period, you may go onto nil pay

The entitlement is pro-rated for part-time employees; periods of secondment, special leave without pay or with pay for study purposes, are not included in the rolling period. Shift pay is paid for up to 60 days for each period of absence.

4.2 Service which commenced from 1 April 2015

Employees who started on or after April 2015 are entitled to 3 months full sick pay in a rolling 12-month period (there is no further entitlement to sick pay at half the normal rate of pay and no entitlement to shift pay). Entitlement during a probationary period is for statutory sick pay only.

4.3 Those who have protected terms under TUPE, following a transfer into Highways England, may have different pay arrangements, and should refer to their terms and conditions.

4.4 Extensions to Sick Pay

Where an employee has exhausted their contractual entitlement to sick pay, requests to extend the period of paid sickness absence shall be submitted by the senior HR business partner to the HR policy manager. They must be authorised by the relevant business director and the divisional director for HR business partnering and employee relations.

An extension of up to 45 days may be authorised by HR where the request:

- is supported by an Occupational Health assessment; and/or
- meets the relevant criteria under the Equality Act; and/or
- relates to a workplace injury or condition

Extensions to sick pay are granted at the discretion of the company in terms of length and pay.

5. What is short term absence?

Short term absence is intermittent periods of sick leave for a variety of reasons. It is inevitable as people do become ill from time to time and when people are genuinely ill they should take the time off to recuperate. but it causes disruption and cost to the business, and places additional demand on colleagues. Short term absence shall be managed in terms of the following procedure.

Where an employee has attended work for half a day or more, it will not usually be counted towards trigger points. Managers should monitor the occasions when this occurs and may take an exceptional decision to include part days of absence towards trigger points.

5.1 Day 1 to 7 absence

Employees should contact their manager on day 1, or in exceptional circumstances, as soon as reasonably possible, and preferably in person e.g. a phone call, to tell them if they will not be attending work due to sickness. Any other form of messaging will not normally be acceptable and should be followed up with a phone call as soon as possible. The manager shall enter all periods of sickness absences on to PfP as soon as possible on the day/shift, to maintain a proper record.

If the employee does not feel able to discuss their absence with their manager (for example in cases of work related stress), they may contact [My HR](#) who will advise on what they should do.

The manager is also encouraged to arrange a referral to Occupational Health (OH) ([for guidance on the OH service and how to make a referral](#)). This is particularly relevant for any mental health absences (including work related stress), musculoskeletal injuries/sickness absences (physiotherapy is available through OH), and any work-related injury/sickness. Early intervention often results in better outcomes and starting the conversation early helps support the employee to get any treatment into place (e.g. physio/counselling), to have discussions about their recovery and if any reasonable adjustments may be needed to support a return to work.

The manager should agree with the employee how regularly they should make contact for an update, and remind them of Employee Assistance Programme Health Assured (0800 028 0199 or via [Wellbeing resources](#)).

Where the absence is likely to last for up to 7 calendar days, the manager should also explain the absence triggers. The first trigger for formal action is where

absences exceed 14 days or 7 occasions in a rolling 12-month period (adjusted as appropriate for those with an underlying health condition or disability).

5.2 Day 8 to 28 of absence

For absences beyond 7 calendar days the employee must provide medical evidence and a note from their doctor.

The manager and employee will continue to make regular contact, and on day 8 they will complete a welfare check ([Managing Attendance Welfare check](#)) to discuss if there is any other support that could be provided. This will normally be with the manager, but could be another manager where appropriate, with guidance from HR.

6. Short term absence procedure

Where levels of absence trigger action, the short-term absence procedure will be followed.

6.1 Stage 1 – Informal

When an employee's levels of absence are of concern and nearing the first trigger, an informal review will be arranged, normally with the manager. In the discussion, the manager shall:

- advise the employee of the concerns about their levels of sickness;
- remind them of the attendance standards expected of them;
- give the employee the opportunity to discuss any issues or underlying conditions which they feel are affecting or might affect their attendance;
- identify any support that may assist the employee to improve their attendance and reduce the likelihood of further sickness absences; remind them of the employee assistance programme: [Wellbeing resources](#);
- consider whether occupational health advice is needed to understand the impact of the employee's health on their attendance;
- agree with the employee how they intend to improve their attendance, discuss any support they may require, and confirm the trigger at which formal action may result is absence exceeding 14 days or 7 occasions;

This meeting can be combined with the return-to-work discussion, and the employee shall be made aware of the consequences of any further absences.

There is no right to be accompanied at the informal stage of the procedure, and separate written record should be kept.

Where it is known a single period of absence is likely to extend beyond 28 days, the long-term absence procedure will normally be followed, and the employee will not be subject to the triggers during their absence (see 7. long-term absence procedure). In some exceptional cases, where discussed with the employee

relations team and where there have been other repeated absences, consideration may be given to applying the triggers upon a return to work.

6.2 Stage 2 - Formal

If after the informal meeting insufficient improvement has been made by the employee and the trigger for formal action is reached (exceeds 14 days or 7 occasions) the manager will arrange a meeting to discuss the concerns. They should contact HR Shared Services via [My HR](#) to discuss the case before moving to the formal process, and consider factors such as:

- the nature of the absence, i.e. is it an isolated incident such as an accident or operation?
- is there a pattern to the absence?
- is the illness related to pregnancy, disability or an injury at work?
- any occupational health advice received;
- any necessary reasonable adjustments ([reasonable adjustments](#)).

The employee will be given at least 5 working days written notice of the meeting, clearly outlining the reasons for it, and reminding them of the right to be accompanied by a work colleague or trade union representative. The manager should provide the employee with a copy of this policy, a copy of their attendance record, any return-to-work discussions and relevant one to one notes, and advice from occupational health (where applicable).

At the meeting the employee shall have an opportunity to explain the reasons for their absences and to challenge the evidence, before any decision is reached.

The manager shall confirm their decision in writing to the employee, and where they consider there to be an attendance issue, a first written warning will normally be issued, to remain live for 6 months. The manager will also confirm the improvement in attendance required and timescales it is expected this will be achieved in, which is normally 6 months, and include the right of appeal.

The manager should set up regular meetings throughout the review period to monitor progress and discuss any support that can be offered. If insufficient progress has been made, they may proceed to a second formal meeting before the end of the agreed review period or during the period of the active warning.

A copy of the outcome letter should be sent to HR Shared Services via a query on [My HR](#).

6.3 Stage 3 – Final

If there is insufficient improvement following stage 2, the manager will invite the employee to a further meeting. They will give at least 5 working days' notice of the meeting in writing, explaining the reasons for it, and including the right to be accompanied by a work colleague or trade union representative.

Where there is an underlying health condition, there will have been at least 1 referral to OH before reaching this stage, and this will be given due consideration before reaching any decision. For those in the Civil Service pension scheme, ill health retirement should also be considered: [retirement and pensions](#)

The manager will confirm the outcome in writing to the employee, and where there are ongoing attendance issues to address, a final written warning will normally be issued to remain live for 12 months. The manager will also confirm the improvement in attendance required and timescales this is expected to be achieved in, which is normally 12 months, and include the right of appeal.

A copy of the outcome letter should also be sent to HRSS via a query on [My HR](#).

6.4 Stage 4 – Dismissal

If there is insufficient improvement following stage 3, and the outcome is potentially dismissal, the manager shall discuss the case with the HR Employee Relations team first.

An impartial manager will be appointed, and they will invite the employee to a further meeting, giving at least 5 working days' notice in writing. The letter will explain the reasons it has reached this stage, and the right to be accompanied by a work colleague or trade union representative.

All supporting evidence, including occupational health referrals will be considered, and the employee will be given an opportunity to respond and challenge any points.

Following the meeting the manager shall confirm the outcome in writing, and where this is dismissal, include the appropriate period of notice, the date on which the contract of employment will end, and the right of appeal: [standard appeals process](#).

A copy of the outcome letter should also be sent to HR Shared Services via a query on [My HR](#).

7. Long term absence procedure

Where a single occasion of sickness absence continues for 28 days or more, the procedure for long term absence should be followed. This will include anyone deemed permanently unfit for their current role in accordance with the Equality Act 2010, and the [redeployment procedure](#) may also be followed.

7.1 Day 1 of absence

The employee shall contact their manager as soon as reasonably possible to explain why they will not be attending work, the reasons for their absence, and to agree arrangements for maintaining regular contact.

If the employee does not feel able to discuss their absence with their manager (for example in cases of work related stress), they may contact My HR.

Managers are also encouraged to discuss a referral to Occupational Health ([for guidance on the OH service and how to make a referral](#)). This is particularly relevant for any mental health absences (including work related stress), musculoskeletal injuries/sickness absences (physiotherapy is available through occupational health), and any work-related injury/sickness. Early intervention often results in better outcomes and starting the conversation early helps support the employee to get any treatment into place (e.g. physio/counselling), to have discussions about their recovery and if any reasonable adjustments may be needed to support a return to work.

7.2 Week 2 of absence

The manager will arrange for a welfare check with the employee: [Managing Attendance Welfare check](#), and upload the completed form onto PFP. They may seek advice from [My HR](#) when considering whether the level of absence is reasonable and sustainable, and this will normally be supported by the OH referral at the start of the absence. Also see 5.3 for support to be offered in week 2 and 3.

The same rules apply as in (5) above regarding certification.

7.3 Month 1

Informal monthly review meetings will be arranged between the manager and the employee. This will include the welfare check and considering if further advice is needed from OH: [Managing Attendance Welfare check](#)

7.4 Month 3, 6, 9 & 12 - formal review meeting (capability procedure)

Where an employee is off on long term sickness absence and it becomes evident that a return to work is unlikely or that they will be unable to fulfil their role effectively for health reasons, they may be invited to attend a formal review meeting. These will normally take place at 3, 6, 9, and 12 months (depending on

the length of the absence. This may be extended in exceptional circumstances and any such cases will be referred to the employee relations team).

The employee will be given at least 5 working days' notice of the meeting, and one opportunity to rearrange to a more suitable date, if required. All information (such as the sickness absence record and OH reports), the impact of the absence and the support, actions or adjustments which have been taken so far will be considered.

The employee may be accompanied by a trade union representative or work colleague, and consideration will be given to requests to bring someone else, as a reasonable adjustment. It is in the employee's best interests to attend the meeting if they can as they will have the opportunity to respond, however, they may submit written representations if they are unable to attend in person. If they are not at the meeting, their case and any documentation they have submitted will be reviewed and a decision reached in their absence.

Before any decision is taken regarding continued employment, the manager may consider medical advice and alternatives, for example, the [redeployment procedure](#), reduced hours, a change in working pattern a phased return, and [reasonable adjustments](#) . Managers should discuss all options with the HR Employee Relations team before deciding an outcome.

Where an employee returns to work following a period of long-term absence, a return-to-work meeting is essential to discuss the prognosis, what support is available to help them, and any adjustments that may be required to their duties or working arrangements. Their sickness levels will continue to be monitored in line with the managing attendance policy.

If they have not returned to work, and after considering occupational health advice and the individual circumstances of the case, the manager believes they can no longer support the absence, they should consult the HR Employee Relations team to discuss whether it is appropriate to proceed with ending the contract of employment on the grounds of ill health.

Remind them of Employee Assistance Programme Health Assured (0800 028 0199 or via [wellbeing resources](#)).

8. Supporting a return to work

When the employee is able to return to work, a return to work discussion will be held, usually with their manager, to discuss what further support can be provided: [managing attendance return to work discussion](#)

We recognise that employees who have not been fit for work for a sustained period may not be able to return immediately to their full duties or ways of working. A phased return to work will normally be offered and requests to make temporary changes to the employee's working arrangements such as reduced hours, working from home on certain days or being reassigned to another role (for example away from a customer-facing role) will be considered, recognising the value of temporarily adjusting an employee's duties when it is appropriate to do so.

Depending on the nature of the temporary changes, the manager and HR may agree the temporary adjustments informally with the employee: [part time medical grounds PTMG form](#), or the employee may make a formal request for flexible working under the appropriate flexible working policy: [flexible working pre 15](#) [flexible working post 15](#)

Where no suitable alternative is available, the employee will remain on sickness absence.

9. Termination on Capability Grounds

Ending the contract on the grounds of capability may be considered where:

- the employee has not been able to sustain a return to the full duties of their role on a regular basis;
- they will not be able to within a reasonable time, and occupational health advice suggests this will remain the case for the foreseeable future;
- no further reasonable adjustments can be made
- there have been no suitable opportunities for redeployment

In these circumstances an impartial manager will be assigned to hold a meeting to give the employee an opportunity to discuss their situation before a decision is made. At the meeting the manager assigned will:

- explain why their continuing absence is cause for concern
- review recent occupational health advice and any other medical evidence
- ask the employee for their opinion on their condition and if there is a realistic possibility of a return to work in the near future
- ask if there is anything that can be done to help them return to work

- advise them of the outcome, for example to move roles, to downgrade, or only where there is no other option, to dismiss.

The manager will issue the final decision letter setting out their decision and giving the right of appeal within 14 days using the [standard appeals process](#).

10. Additional guidance and key information

This section provides links to additional guidance and key information to support both managers and employees in cases of sickness absence:

- 10.1 Template Letters:** outline letters *to be revised in line with new policy*
- 10.2 Guidance on unauthorised absence:** this applies to all employees if they fail to comply with the sickness reporting procedure, fail to attend work or return from holiday, take unauthorised leave or are absent from work for any other reason without permission: [Guidance on unauthorised absence](#)
- 10.3 Guidance on occupational health:** for guidance on the service and how to make a referral: [Occupational Health referrals](#) and the service [Optima Health](#)
- 10.4 Guidance on medical appointments:** expectations for arranging appointments and what is acceptable: [Guidance on medical appointments](#)
- 10.5 Guidance on phased returns to work:** how to manage an employee who is able to return to work on a [phased return](#)
- 10.6 A useful guide to sickness absence for managers:** [Managing Attendance Managers Guide to Sickness Absence](#) and [Manager Guide to recording sickness absence](#)
- 10.7 How to handle requests for reasonable adjustments and comply with the legal obligations:** [reasonable adjustments](#)
- 10.8 Guidance on dealing with taking holiday during a period of sickness absence:** [Guidance on taking holiday during a period of sickness absence](#)

11. Making this policy work

This policy is formulated on the assumption that, if misconduct is suspected in relation to absence, the [pre 15 maintaining satisfactory conduct](#) or [post 15 managing conduct](#) policies will apply.

For example, the organisation may take disciplinary action if there is evidence that absence is not genuine or not for the reason provided, or the employee is undertaking inappropriate activities while off sick, such as carrying out work for another organisation, or the correct sickness absence notification and evidence procedure has not been followed.

11.1 Data protection

When an employee is absent due to sickness, the manager should process any personal data collected in accordance with the Data Protection Policy:

[Data Protection Policy](#)

- 11.2** Managers should record only the personal information required to deal with the employee's absence and keep this information only for as long as necessary to deal with the request and provide the necessary support.

The Managing Attendance policy and procedure are non-contractual, and Highways England reserves the right to change this procedure from time to time. We will discuss any changes with the TUS as required, to adhere to business or legislative requirements.

Appendices

- 1. A summary of terms applicable to those on pre 15 terms only:** [Pre 15 terms](#)
- 2. Other types of leave:** a summary of other types of leave available which may be more appropriate than sickness absence, depending on the circumstances: [other types of leave](#)
- 3. Frequently asked questions:** [Managing Attendance FAQ's](#)