



SICK LEAVE AND SICK PAY

Q: When can an employee take sick leave?

If an employee is ill, they can take time off work. If they are sick for up to and including 7 consecutive days (including non working days ie weekend) you may ask them to confirm they have been off sick by filling in a form. This is called “self-certification”. They do not need to provide you with a fit note from a doctor or medical professional.

If they are off for more than 7 consecutive days (including non working days ie weekend), they must provide you with a fit note from their GP or hospital or medical professional.

Q: What will the fit note say?

The fit note may say the employee is “not fit for work” in which case they should stay off work until they are fit to return to work.

It may also say the employee “may be fit for work” with reasonable adjustments such as reduced hours of work, amended duties, etc. In this case, it is up to you and your employee to discuss what changes could be made to help them return to work. The decision is yours as an organisation. If you cannot accommodate these adjustments, then the employee remains off sick.

Q: What if my employee is off sick for a long time?

If your employee is off sick for more than 4 weeks they are considered “long term sick”.

You should keep in touch with your employee by holding a welfare meeting.

Medical reports and a report from an Occupational Health Professional may assist with any decisions made to ultimately get the employee back to work.

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Call: 01756 790124

Email: sarah@clockworkhr.co.uk





Q: Can I dismiss someone who has been off long term sick?

You can, however, this could be a long process and would involve ensuring you had some medical information to support a decision and all avenues of the potential to return to work had been explored. This area is complex and further advice is recommended.

Q: Does my employee still accrue holiday entitlement while off sick?

Yes, no matter how long your employee is off sick, they continue to accrue holiday entitlement.

Your employee can ask to take paid holiday leave while they are off sick. However, you should not force your employee to take annual leave when they are off sick. Employees can carry forward holiday entitlement if they have been unable to take it to the next holiday year and for a maximum of 20 days (full time employee).

Q: Is my employee eligible for Statutory Sick Pay (SSP)?

Your employee is eligible if they:

- Are classed as an employee
- Earn an average of the lower earnings limit
- Have been ill for at least 4 days in a row (including non-working days) unless the absence is linked by 8 weeks.
- Your employee is NOT eligible if they:
 - Have already received the maximum amount of SSP (28 weeks)
 - Are getting Statutory Maternity Pay

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Q: Can my employee send me a text message informing me they are off sick?

It depends on what your policy says and what notification you require. You can request that your employee must telephone you to notify you.

Q: Can I contact my employee when they are off sick?

Yes, it's important that you maintain communication with your employee. Doing so will help encourage them to return to work, rather than them feeling forgotten about and open up about their illness.

Q: What can I do to manage my employee's sickness absence?

Keep a record of your employee's absence including number of days and occasions. As part of the process carry out return to work meetings to discuss their absence. If their absence doesn't improve you could commence the disciplinary procedure but it is important to balance the welfare of employees and investigate further.

Q: How do I get a medical report for my employee?

To do this, you will need to obtain consent for a medical report or for your employee to meet with an Occupational Health professional.

The employee can review the report. Once the report is received you will need to discuss with your employee.

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Q: My employee says they are disabled, what should I do?

Under the Equality Act 2010 certain conditions are classed as disabled i.e. cancer, MS, visual impairment, etc.

However other conditions and illnesses could be classed as a disability i.e. stress/depression. The definition of disability is an illness that is long term and impacts on the employee's day to day activities.

You could ask for advice from a medical professional.

Q: Can I dismiss someone with short term absence?

Yes you can, using the disciplinary/capability procedure.

As a business you may want to set certain parameters within your policy. For example, sick leave entitlement, supporting employee's while they are absent and help getting them back to work.

Q: I don't believe my employee is off sick and I have seen them on social media enjoying themselves, what should I do?

It is usually difficult to prove that someone isn't genuinely ill. It is important to speak to the employee and find out more about what is going on.

Q: My employee seems to be off every Monday or the day after they get back from holiday, what should I do?

Speak to your employee and highlight this pattern to them and ask the reasoning behind it. It could be that there is an issue you don't know about. If there is no issue and it continues then you could commence the disciplinary procedure.

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