

# Absence from work

## 1. Reasons for absence

Apart from annual [holiday entitlement](#), an employee might need time off work for reasons including:

- short-term and long-term sickness, including mental health conditions
- helping a child, partner or relative
- [bereavement](#)
- medical appointments
- pregnancy-related illnesses and appointments, including IVF
- bad weather conditions, making travelling to work difficult or impossible

Each workplace might have different rules on what they see as acceptable reasons for absence and what they will [pay](#).

For this reason, every workplace should have its own absence policy, so it's important to check this.

## What an absence policy should cover

An absence policy should make clear exactly what's expected from both the employer and employee if the employee needs to take time off work.

An absence policy should include:

- how to report absences, including who the employee should contact and when
- when the employee needs to get a [fit note](#)
- when [return to work](#) discussions will be held and with who
- how and when to [keep in touch](#)
- how the employer [keeps track of absence](#) and if they set any review or 'trigger' points
- whether the employer provides occupational health or an employee assistance programme (EAP) and when this starts
- how much the employee will be paid and for how long – see more on [sick pay](#)

If your workplace does not have an absence policy, the employee can ask their employer or HR manager what to do if they need time off work. The employer should follow best practice as outlined in this guide.

There are some areas that are covered by law, for example:

- [statutory sick pay \(SSP\)](#)
- [fit notes](#) (sick notes)
- time off to help dependants

## Taking time off to help someone else

By law, employees have the right to take a reasonable amount of time off work to help someone who depends on them (a 'dependant') in an unexpected event.

This right only applies to those classed as an 'employee' – it's important to check your [employment status and rights](#).

An employee's dependants can include:

- their spouse, partner or civil partner
- their child
- their parent
- a person who lives in their household (not tenants, lodgers or employees)
- a person who would rely on them for help in the event of an accident, illness or injury. For example, an elderly neighbour
- a person who relies on them to make care arrangements

The employee can take time off if they need to:

- help a dependant who is ill, been injured or assaulted, or gives birth
- arrange care for a dependant who is ill or injured
- deal with the [death of a dependant](#)
- deal with an incident involving their child during school hours

There is no limit to the number of times or length of time that employees can take off for dependants, as long as it is reasonable for the circumstances.

Your workplace might offer employees more entitlements than these minimum statutory rights, so it's a good idea to check.

How employees get paid for time off for dependants is down to the workplace policy, so it's a good idea to check. In some cases it might be unpaid.

## Difficulty getting to work due to bad weather or travel disruption

If an employee cannot get to work or is going to arrive late because of bad weather or transport problems, they should tell their employer as soon as possible.

There is no legal right for an employee to be paid for working time they've

missed because of bad weather or travel disruption.

Some workplace policies might have different rules, so it's a good idea to check.

Fit notes used to be called sick notes. A fit note is an official written statement from a doctor giving their medical opinion on a person's fitness for work.

They might also make recommendations for how the employer could support the employee.

Whether you need a fit note depends on the length of sickness absence.

## Off sick for 7 days or less

If someone is absent due to sickness for 7 calendar days or less (including weekends), they do not need a fit note.

This means they tell their employer they're not well enough to work and do not need to provide any further medical evidence.

This is called 'self-certifying' their sick leave.

## Off sick for more than 7 days

If someone has a period of sickness absence for longer than 7 calendar days (no matter how many days they work each week), then they should get a fit note from their doctor.

### Getting a fit note

If the employee knows they're likely to be off sick for longer than 7 days, they should try and get the fit note to their employer on the 7th day of sickness absence.

Doctors cannot provide a fit note before the 7th day of absence.

If there's a delay getting a fit note, for example difficulty booking a doctor's appointment, the employee should contact their employer and explain.

### What a fit note says

A fit note will say the employee either:

- is not fit for work
- might be fit for work

Where the doctor says the employee might be fit for work, they can give details of what level of work they consider the person is able to do.

They might say the employee is fit for work in general, but not for a specific task.

For example, a factory employee with a back injury might be able to come

back to work to do light tasks, but would not be able to do any heavy lifting.

The doctor might suggest in the fit note ways the employer can help their employee get back to work. For example:

- a ['phased' return to work](#) where they might come back for a limited number of hours or days a week to start with
- flexible working
- different duties
- making changes to their workstation ([\('reasonable adjustments'\)](#))

The employer should carefully consider any fit note recommendations as they can help the person get back to work quicker.

If it's not possible for the employer to do anything the doctor has recommended, the fit note will change from 'might be fit for work' to 'not fit for work'. There is no need to get another fit note.

Some workplaces might have an occupational health scheme or employee assistance programme (EAP) to help the [return to work](#) process.

If the employee has a disability, by law the employer must consider making reasonable adjustments to help them return to work and carry out their job.

## When an employer can ask to see an employee's medical records

An employer can ask for a doctor's report about their employee's health if it's needed to stick to the law. For example to:

- assess whether the employee is fit to carry out their work
- prevent health and safety risks
- prevent disability discrimination

The employer can only do this if the employee agrees.

The employee can also:

- ask their doctor not to give information they think could be damaging or is not relevant
- ask to see the doctor's report first
- not agree to the doctor's report being shared with their employer if they disagree with what it says

If the employee does not wish the employer to see their medical information, the employer will have to make a decision based on what they know and are told by the employee.

[Download a template letter to an employee's doctor.](#)

## Keeping information confidential

Any guidelines on privacy and personal information should be in the employer's privacy notice under the General Data Protection Regulation (GDPR).

For more information on GDPR, see the [Information Commissioner's Office \(ICO\) website](#).

Any information the employer does get about an employee must be stored and kept confidential. Only appropriate senior and involved members of staff should have access to the information.

The employee should be kept informed of how their records are being stored or used. The employer should let them know from the start how to withdraw their consent if they later wish to.

If an employee is unhappy with how their confidential information has been handled, they can [raise this with their employer](#).

## Keeping in touch

It's important that both the employer and employee stay in regular contact, especially during long-term absence.

They should agree:

- how often the contact should be
- if the contact is to be by email, phone or face-to-face meetings
- who the employee is to be in contact with. This might be their line manager, another manager or a HR manager

Keeping in contact is a good chance to:

- check on the wellbeing of the employee
- see if the employee needs any support
- talk about any relevant updates or changes happening at work

Where an employee's absence is due to a mental health condition, it's particularly important to consider whether less or more frequent contact is most appropriate.

## If the employee is unhappy with how their absence has been handled

If the employee feels their absence or sick pay was not handled fairly or correctly, they can [raise the issue with their employer](#).

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If someone needs time off because a person close to them has died, it's

important their employer approaches the matter sensitively. For example:

- giving the person the time they need to deal with the bereavement
- considering the person's physical and emotional wellbeing, including once they've returned to work

A sensitive approach can help keep a good working relationship between the employer and their employee. It can also help keep the workplace productive.

Time off for bereavement is also known as 'bereavement leave' or 'compassionate leave'.

### 3. Bereavement leave and the law

Anyone classed as an [employee](#) has [the right to time off for a 'dependant'](#).

This time off is for dealing with unexpected issues and emergencies involving the dependant, including leave to arrange or attend a funeral.

#### How much leave can be taken

The law does not say how much time can be taken off for a dependant. It simply says the amount should be 'reasonable'.

Employers should:

- be compassionate towards a person's individual situation
- remember that everyone deals with bereavement differently (some people may need more time off than others)

Employers can treat time off for bereavement as sick leave or holiday leave, depending on their workplace policy and the individual circumstances.

### Pay during bereavement

There is no automatic right to paid time off for bereavement.

There are exceptions for agricultural employees – you can [call the Acas helpline](#) to find out more.

Many employers do choose to offer pay when someone's been bereaved. The amount they offer is up to them.

If the employee takes the time off as sick leave or holiday leave, their normal [sick or holiday pay](#) will apply.

### Mental health

Mental health conditions like anxiety and depression are common for anyone who's been bereaved.

As certain mental health conditions are treated as disabilities under the

law, employers should make sure they:

- do not discriminate against someone with a disability
- make '[reasonable adjustments](#)' for an employee who has a disability

## Time off for stillbirth or miscarriage

If someone has a stillbirth after 24 weeks of pregnancy, they can get up to 52 weeks of statutory maternity leave or pay.

A miscarriage or stillbirth can be traumatic regardless of the stage of pregnancy.

So employers should also consider:

- what's best for the person or their partner, depending on their specific circumstances and needs
- offering them time off if the miscarriage happened before 24 weeks of pregnancy

## The benefits of a bereavement policy

It's a good idea for your workplace to have a policy that covers bereavement absence and pay, to keep things clear.

A policy can also help clarify anything offered at work that's more than what's legally required (for example, paid bereavement leave).

Even if there is a policy, employers should make some allowances (a recently bereaved person may not be in the right frame of mind to check it straight away).

Download an [example bereavement policy](#).

### What a bereavement policy should include

A bereavement policy should cover:

- how soon the bereavement should be reported
- who can report it (for example, a member of the employee's family if the employee is not able to do it themselves)
- who it should be reported to (for example, the employee's line manager)
- what happens if the deceased is not a dependant
- how much leave is provided
- what type of leave it is (for example, whether it's treated as sick leave)
- when a [fit note](#) is needed
- how the employee's [return to work](#) is managed, for example whether they can return on reduced hours if they're not ready to return full time

It should also cover pay, including:

- whether or not pay is provided
- how much pay is provided
- the type of pay (for example, [sick pay](#))

### **If there's no policy**

If there's no bereavement policy, the employer must follow the law. They should also try to be as reasonable and consistent as they can.

For example, they can look at how bereavement leave has been managed previously to help decide how it should be managed now or in the future.

## **Telling others about the bereavement**

By law, an employee has the right to keep their bereavement private from work colleagues.

It can be a good idea for the employer to ask their employee what, if anything, they would like their work colleagues to know about the bereavement.

If the employer cannot ask for this information, it's best to say as little as possible (for example, that the absence is for personal reasons).

## **Keeping in touch while the employee is off**

It's important to [keep in touch](#) during absence.

## **Returning to work**

Find out about the procedure a workplace should have when someone [returns to work](#).

## **Supporting the employee over the longer term**

Once they've returned to work, the employee might still need extra support or time off.

This might be because of developments following a bereavement, such as:

- depression or another mental health condition
- extra responsibilities, like helping a dependant



How the workplace deals with requests for extra support or time off depends on its bereavement or absence policies.

Even if the employer does not have a policy, they must follow the law by:

- not discriminating, for example if the employee's mental health condition is classed as a disability
- making '[reasonable adjustments](#)' to support an employee who has a disability

The employer should consider what's best for their employee's physical and mental health in the long term.

Doing things proactively, for example encouraging an open and supportive working environment for everyone, can help prevent problems.

It's also likely the employee will be more productive if they feel they're getting the right support.

## If you're unhappy about how your employer has dealt with your bereavement

You can [raise the problem with your employer](#).

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[Download an example bereavement policy](#)

If someone needs time off because of a mental health issue, it's important to [take the matter seriously and be supportive](#).

You should also:

- [check how your workplace deals with absence](#) to find out how the absence should be managed
- [keep in touch](#) during the absence

Remember that the amount of time off needed can vary, depending on:

- how severe the issue is
- the person affected (everyone's experience of a mental health issue is different)

The employee might need continued support or time off after they [return to work](#).

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Unauthorised absence is when someone does not come to work and gives

no reason for their absence or does not contact their employer.

Other terms people might use include:

- 'AWOL' or absent without leave
- absent without permission

The employer should try to contact the absent employee as soon as possible, including using any emergency contact they have.

If contact cannot be made, the employer should discuss the absence with the employee when they come back to work.

If the employee cannot provide good reason for the absence and lack of contact, the employer might consider [further investigations for possible disciplinary action](#).

## 4. If the employee is struggling to attend work

The employer might consider [formal action](#) if their employee:

- keeps taking sick leave or being late (some HR systems have 'trigger' points to keep track of attendance records)
- has unauthorised absences
- seems to have trouble doing their job

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When someone is ready to return to work after an absence, the employer should have a procedure they follow. It's a good idea to check your workplace's absence policy for this.

This could be whether the employee has been absent due to:

- long-term or short-term sick leave
- a mental health condition
- [bereavement](#)
- [helping a dependant](#)

If your workplace does not have a policy for this, it's a good idea for the employer and the employee to:

- talk about the return to work
- agree on a plan that suits you both, for example a phased return to work
- consider any recommendations from the employee's doctor

- consider any recommendations from occupational health or make a referral, if available
- discuss an employee assistance programme (EAP), if available

## 5. Return to work interviews

For both long-term and short-term absences, an employer might have a policy for meeting with employees when they return to work.

A return to work meeting or interview is the chance to:

- check on the health and wellbeing of the employee
- make sure they're ready to return to work
- see if they need any support or reasonable adjustments
- talk about any workplace updates that happened while they were off
- talk about [what could happen next](#) if there have been a lot of absences and the employer has concerns

## Making reasonable adjustments

If an employee is disabled, by law their employer must make [reasonable adjustments](#) if needed, to help them return to work.

Reasonable adjustments could include making changes to the employee's:

- workstation or working equipment
- working hours
- duties or tasks

This can help:

- get people back to work quicker
- prevent any further problems

For the best course of action, the employer should take advice from:

- the employee themselves
- the employee's doctor
- their [occupational health](#) adviser

## Phased return to work

A 'phased return to work' is when someone who's been absent might need to come back to work on:

- reduced hours
- lighter duties
- different duties

For example after a:

- long-term illness
- serious injury

- [bereavement](#)

The employer or their HR manager and the employee should agree on a plan for how long this will be for.

For example, they could agree to review how things are going after a month and then decide to increase the working hours or duties, or they might decide they need to stay reduced for longer.

The employer or HR manager should continue to regularly review the employee's health and wellbeing in the workplace and make new adjustments if necessary.

## Pay during a phased return to work

If the employee returns to their normal duties but on reduced hours, they should get their normal rate of pay for those hours they work.

For the time they're not able to work, they should get [sick pay](#) if they're entitled to it.

If the employee is doing lighter duties, it's up to the employer and employee to agree on a rate of pay. It's a good idea to make sure this agreement is put in writing.

If an employee is unhappy with how their return to work has been handled, they should first [raise it with their employer](#).

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