

## How sickness and absence should be reviewed

If an employee is not meeting their employer's standards, the employer should investigate the situation before deciding on the next step to take (for example, dismissal).

The standards expected by the employer should be in the employee's [written document explaining their employment terms](#), or in a workplace policy booklet.

An employer might consider an [investigation](#) if an employee:

- keeps taking sick leave or being late (some HR systems have 'trigger' points to keep track of [attendance records](#))
- is absent without permission – some might call this 'unauthorised absence' or 'absent without leave' (AWOL)
- seems to have trouble doing their job

## Deciding on the best procedure

The employer must decide whether a disciplinary or a capability procedure is most appropriate.

The employer should meet with their employee to find out more on whether the issue is due to either:

- conduct
- capability

### If it's a conduct issue

Conduct is about an employee's behaviour at work.

Usually it's a conduct issue if the employee has control over their actions. For example, calling in sick when they're not genuinely ill.

To deal with a conduct issue, the employer should [follow a disciplinary procedure](#).

### If it's a capability issue

Capability is about an employee's ability to do their job.

Usually it's a capability issue if the employee has no control over it. For example, if an employee becomes unable to do their job due to an illness and adjustments or support cannot help.

For a capability issue, the employer should follow either:

- a capability procedure, if they have one
- a [performance management](#) procedure

### **If it's not clear**

It's not always clear whether an employee's poor performance is due to capability or conduct.

Whichever procedure the employer chooses, they should carry it out fully. If a conduct issue turns into a capability one, the employer can adjust the procedure and explain this to the employee.

## **Managing capability issues**

To deal with a capability issue, the employer should follow a procedure based on encouraging their employee to improve.

This is to give the employee the chance to get better and to stop any further problems arising.

The employer could provide their employee:

- support, for example making changes to their work or arranging counselling sessions
- training to help them do their job better

In some workplaces, this might include a [performance management](#) procedure – check your workplace policy.

### **If the employee is absent or sick**

Even if the employee is ill, they should cooperate as much as they can if their employer is investigating as part of a disciplinary or capability procedure.

Find out more about what can be done if an [employee is absent when disciplinary action is being considered](#).