



# Clover HR

EMPLOYER GUIDE

## **LONG TERM SICK EMPLOYER GUIDE (LTS)**





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## HOW TO MANAGE LONG TERM SICK

**If an employee has been absent from work for a continuous period of 4 weeks then this is defined as being on long term sick (LTS).**

Employers should be in regular contact with any employee who is absent from work, but if an employee has been absent for 4 weeks or more, or it is looking like they will be off for a long period of time, depending on the nature of the illness, it is best practice to arrange a meeting with the employee to discuss:

- How they are?
- What medical assistance they are getting and if there is anything the business can assist with?
- To see if the Company can offer any assistance via an Occupational Health Care provider or similar.







## KEEPING IN TOUCH WITH EMPLOYEES ON LONG TERM SICK

Employees who are on long term sick may start to feel isolated from the rest of the workforce and this can impact their return to work, it also can impact on an employee's mental health.

It is important to contact employees while they are absent from work, if possible and appropriate, and to inform them of any business changes or updates to help them still feel part of the team. It will show employees that the Company values them and is interested in their health and wellbeing.





## OCCUPATIONAL HEALTH (OH)

Within your Company Absence Policy there should be a trigger point for when an employee is referred to Occupational Health, this usually would be once an employee has been off for 4 weeks, however this will depend on the reason for the absence.

When referring employees to OH, if employers wish to get a medical report on the employee's circumstances, it is vital that consent is obtained from the employee. This is in line with an employer's obligations under the Access to Medical Reports Act 1988 and Data Protection Act 1998.

## HOLIDAY AND LONG-TERM SICK

Long term sick employees are still entitled to accrue annual leave the same as other employees, if an employee does not return to work during the holiday year, their holidays should automatically be carried over, employers can then specify when an employee needs to use these days by to be able to manage this effectively.





## RETURN TO WORK

When an employee is ready to return to work following long term sick, a meeting should be arranged with their manager, to see how the employee is and what needs to be done to support them on their return to work. This meeting can be done as the usual return to work meeting, but in these cases it should be done before the employees first day back at work so that any adjustments that are needed to be made to assist the employee back into the workplace are done before they return. If it is not possible to conduct the meeting before the first day back, then it must be done on the first day and before an employee carries out any work.

**These meetings must be kept confidential.**

A phased return to work plan may need to be put in place to assist the employee on their return, this usually would be put in place with the assistance of Occupational Health or recommended by the employees GP.

### PHASED RETURN TO WORK

A phased return to work can assist an employee back into the workplace, these can include:

- Reduced number of hours, increasing gradually over a few weeks
- Working from home
- Change of job role on a temporary basis





## SICK PAY

**Employees are entitled to up to 28 weeks of statutory sick pay.**

For an employee to be eligible for statutory sick pay they must meet certain criteria including:

- They must be an employee of the company
- They must earn a minimum of £120 per week
- They must be adhering to the company absences rules that are in place







## ILL HEALTH RETIREMENT

**Retirement on the grounds of ill health could be considered by an employer when:**

- From medical advice it seems unlikely the employee would be able to return to work
- The employee would be entitled to a pension or lumpsum under the terms of the pension scheme on the grounds of ill health.







## CAPABILITY AND LONG-TERM SICK

Following welfare meetings with an employee and obtaining an OH assessment or medical report, the employee can be invited to a capability meeting to discuss the outcome of the report.

It is important for employers to have a capability policy in place to ensure adherence and any potential dismissal for capability is done correctly.

If it is established that an employee cannot return to work they can be dismissed on the grounds of ill-health.





## DISMISSING A LONG-TERM SICK EMPLOYEE

**Employers, as a last resort, can dismiss an employee who is long-term sick, before they can do this, employers must:**

- consider if an employee can return to work – maybe by working flexibly or part-time, or doing a different or less stressful job (with training if necessary)
- consult with employees about when they could return to work and if their health will improve

If an employee has 2 years or more service, they can make a claim to an employment tribunal if they think they have been unfairly dismissed.







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