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| **Checklist: HR Sickness Monitoring** |

It is important when monitoring employees’ sickness levels that the relevant Data Protection legislation is complied with. Holding an employee’s sickness record is deemed to involve the processing of sensitive personal data. Therefore employers must satisfy one of the three conditions for processing sensitive personal data. These are:

* The collecting of health information is necessary to protect health and safety; or
* The collection is necessary to prevent discrimination on the grounds of disability; or
* Each worker affected has freely given his or her explicit consent.

As the first two points will rarely apply, it is recommended that the employee’s Terms and Conditions of Employment contain a clause providing for such consent. Alternatively a separate consent form can be given to the employee, a copy of which can be found at [*Sickness and Absence subfolder*](http://www.simply-docs.co.uk/DocumentSubfolder.aspx?documentSubfolderID=54).

**Trigger points**

It is helpful for employers to use trigger points to highlight levels or patterns of sickness absence that require further attention, and to determine where and when action by managers (e.g. employee interview or review of absences) may be beneficial. Typical triggers include:

* Cumulative numbers of days absence in a set period (e.g. absences for more than 10 days in 12 months)
* Number of spells of absence in a set period (e.g. 3 spells of absence in a 6-month period)
* Pattern-related sickness-absence (e.g. a tendency to be off on Fridays or Mondays; sickness absence taken immediately before or after annual or public holidays)

If the employee has been, or is likely to be, absent by reason of sickness or injury for four weeks or more, the employer can refer the employee (with his or her consent) to the Fit for Work occupational health assessment service and so it is advisable for employers to build in a trigger point for review at that stage (see below).

**General Sickness:**

1. Did the employee follow the Company’s sickness notification procedure?
2. If the sickness-related absence is for fewer than seven days, did the employee provide the Company with the Company’s sickness self-certification form?
3. If the sickness-related absence is for more than seven days, did the employee provide the Company with a medical certificate or ‘fit note’?
4. For sickness absence over four days and where the employee is entitled to Statutory Sick Pay, has the statutory Form SC2 or the Company’s equivalent been completed?
5. Has the employees’ sickness record been updated with the latest period of sickness?
6. If illness is over <<specify number>> days has a return to work interview been arranged? *See* [*Guidance Notes: Return to Work Interviews and Risk Assessments*](http://simply-docs.co.uk/Dealing_with_Employee_Sickness_and_Absence/Guidance_Notes_for_Return_To_Work_Interviews_And_Risk_Assessments)*.*
7. Has a return to work form been completed? *See* [*Absence and Return to Work Form*](http://simply-docs.co.uk/Dealing_with_Employee_Sickness_and_Absence/Absence_And_Illness_Return_To_Work_Form)*.*
8. Where appropriate, has a Risk Assessment been carried out?
9. If the sickness absence is, or is likely to be, for four weeks or more, is it appropriate to seek the employee’s consent in order to refer them to the Fit for Work occupational health service?

**Long-term Sickness:**

1. Has regular contact been maintained with the affected employee?
2. Has the time and frequency of such contact been agreed with the employee?
3. Is it appropriate to refer the employee to the employer’s Occupational Health service or the Fit for Work occupational health service? If so, has the employee’s consent for the referral been sought?
4. Is the employees’ sickness record being kept up to date?
5. Has a relevant manager had a discussion with the employee to ascertain the employees concerns, and has that manager reviewed any support that could be provided?
6. Where Statutory Sick Pay has or is likely to exceed 28 weeks, has the statutory form SSP1 been completed?
7. Where the condition affects a particular aspect of the employee’s work, has a suitable alternative role been considered?
8. If the employee has agreed to a referral to Occupational Health/Fit for Work occupational health service, has proper consideration been given to any advice/recommendations/timetable for return? Remember that any recommendations made may be considered to be a reasonable adjustment for disability discrimination purposes.
9. If such recommendations are implemented, do they fall within the Government’s tax exemption for qualifying purposes?