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**Employers will be glad to hear of the government's new scheme to reduce long-term sickness absence in the workplace. In October 2014, a new Health and Work Service was introduced to help employees who are off sick for four weeks or more return to work.**

Managing sickness absence can be time-consuming and costly for many employers. The government has reported that almost a million (960,000) employees were on sick leave for a month or more each year on average between September 2010 and October 2013. The new Health and Work Service could cut sick pay costs to businesses by up to £165 million a year, as well as increase economic output by up to £900 million a year, through reducing absence levels between 20 to 40 per cent.

The service will carry out a state-funded occupational health assessment for employees, support their complex needs where they require assistance, and provide advice to employers and other employees via its website and telephone advice line.

Where an employer pays for medical treatment of less than £500 to help an employee return to work, the employee will not have to pay tax on this benefit when it is recommended by the service or the employer's occupational health adviser.

### **Steps in the new return to work plan:**

- GP or employer referral to Health and Work Service with employee consent;
- appointment of case manager and initial telephone assessment;
- face-to-face meeting with an occupational health adviser, if necessary;

#### Services for individuals:

- Residential Property
- Wills & Probate
- Contentious Probate
- Tax & Estate Planning
- Family, Matrimonial
- Mediation
- Employment
- Accident & Personal Injury Claims
- Litigation & Dispute Resolution
- Agricultural Law
- Town & Country Planning Law
- Elderly Client Services

#### Services for businesses:

- Company & Commercial Services
- Commercial Property
- Civil Litigation
- Employment Law
- Debt Collection

#### Financial Advice

Up to speed with the new rules for combating long-term sickness absence?

- plan drawn up recommending how the employee can be helped back to work, such
- as a phased return to work or therapy;
- copies sent to the employee and, with their consent, to the employer and GP; and
- a case manager reviews progress.

If an employee fails to engage, no further fit notes may be issued, they will lose their statutory sick pay and presumably any contractual sick pay. Failure to follow management instructions may lead to disciplinary action.

Employers must also make reasonable adjustments to premises or working practices to help disabled employees. Failure to implement recommendations made by the service could mean an employment tribunal claim, which may be difficult to defend.

The new service has been criticised because it only applies to employees who are off sick for four weeks or more - or expected to be - in one block. So this will not help employers where an employee has short periods of absence totalling more than four weeks per year.

It is also important to note that statutory sick pay record-keeping obligations were abolished on 6 April 2014. Employers now have the flexibility to keep sickness absence records in a manner that suits them. The Percentage Threshold Scheme was also abolished, so employers can no longer reclaim a percentage of statutory sick pay from HMRC.

For employers it is important to update policies and procedures in line with these changes, and seek advice from a specialist employment solicitor who will guide you through this complex maze. At Ware & Kay our specialist employment lawyers are dedicated to helping you manage all your employment law concerns as quickly and as cost effectively as possible.

### **Ware & Kay**

good on paper, even better in person

### **Contact us**

For a free, no obligation discussion call Gill Wilkinson on York **01904 716000** or Wetherby **01937 583210**.