



Managing long-term sickness
absence and incapacity for
work

Guide to resources

Implementing NICE guidance

2009



This guide to resources accompanies the public health guidance: 'Managing long-term sickness absence and incapacity for work' (available online at: www.nice.org.uk/PH19).

Issue date: 2009

This is not NICE guidance, it is a support tool to help guide people to resources that may support the implementation of NICE guidance. This tool has been jointly produced with the Chartered Institute of Personnel and Development (CIPD).

Promoting equality

Implementation of this guidance is the responsibility of local commissioners and/or providers. Employers are responsible for putting the first three recommendations from the NICE guidance into practice. In doing so, they should take account of their duties to avoid unlawful discrimination and promote equality of opportunity. Nothing in the guidance or this guide to resources should be interpreted in a way which would be inconsistent with compliance with those duties.

Bodies or organisations that commission services for those who are unemployed and claiming incapacity benefit or employment and support allowance (ESA) are responsible for putting the final recommendation into practice.

NICE is not responsible for the quality or accuracy of any information or advice provided by other organisations.

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Introduction

NICE has produced this guide to help people involved in putting the NICE guidance on managing long-term sickness absence and incapacity for work into practice. It highlights a selection of resources available from NICE, government and other organisations, which can be used alongside the NICE guides '[How to put NICE guidance into practice and improve the health and wellbeing of communities: practical steps for local authorities](#)' and '[How to put guidance into practice](#)'.

The recommendations in the NICE guidance are aimed at a range of different audiences, including employers, the NHS (particularly primary care services and occupational health professionals) and other professionals and managers who have a direct or indirect role in – and responsibility for – the management of long-term sickness absence and incapacity. This includes those working in local authorities and in the community, voluntary and private sectors.

It will also be of interest to workplace representatives and trades unions, as well as employees and those on incapacity benefit.

NICE has developed this guide in consultation with key stakeholders and experts in the area, and it has been tested by potential users of the guide (see acknowledgements). It has been designed to provide an overview of information directly related to the guidance, but it is not an exhaustive list. NICE is not responsible for the quality or accuracy of, and does not endorse, any information or advice provided by other organisations that is linked to this document.

The resources are listed in order of publication date, with the most recent first under each heading. Hyperlinks take you directly to the resource, where possible. These hyperlinks were correct at the time of publication; if they no longer work because changes have been made to external websites, you should visit the relevant home page to search for the document.

NICE resources

Document	Relevance
<u>The guidance</u>	
Managing long-term sickness absence and incapacity for work NICE public health guidance 19 (2009) Available from www.nice.org.uk/PH19	
The guidance	Includes all the recommendations, including the pre-requisites for their planning and delivery, as well as details of how they were developed, and summaries of the evidence they were based on.
The quick reference guide	A summary of the recommendations for professionals and the public.
Implementation resources	
Costing report	Assesses the resource impact of implementing this guidance in England.
Business case template (in Excel)	This document can be used by organisations to create a business case for the promotion of interventions and services to aid employees returning to work after a period of long-term sickness absence. It can provide estimates for the likely cost of implementation and the possible reduction in the number of sick days taken.
Slide set	Slides highlighting key messages for discussion to help raise awareness locally.
Checklist	To help employers and employees discuss sickness absence.
How to put guidance into practice: a guide to implementation for organisations	A practical guide to help organisations implement NICE guidance and other national policies.
How to put NICE guidance into practice and improve the health and wellbeing of communities: practical steps for local authorities	A guide to help local authorities put NICE guidance into practice.
Shared Learning Database	This is a database of shared learning in relation to NICE guidance. It provides an opportunity to learn from other peoples' experiences or share your own with others within and outside the NHS. You are encouraged to submit examples of implementing this guidance to the database. All submissions are entered for our annual Shared Learning Award.

Related NICE guidance	
Computerised cognitive behaviour therapy for depression and anxiety. NICE technology appraisal 97 (2006). Available from www.nice.org.uk/TA97	A set of evidence-based recommendations that healthcare professionals can use to support implementation of the NICE 'Managing long-term sickness absence and incapacity for work' guidance.
Anxiety: management of anxiety (panic disorder, with or without agoraphobia, and generalised anxiety disorder) in adults in primary, secondary and community care. NICE clinical guideline 22 (2004). Available from www.nice.org.uk/CG22	
Depression: management of depression in primary and secondary care. NICE clinical guideline 23 (2004). Available from www.nice.org.uk/CG23	
Low back pain: the acute management of patients with chronic (longer than 6 weeks) non-specific low back pain. NICE clinical guideline (publication expected May 2009).	Forthcoming evidence-based recommendations to support implementation of the NICE 'Managing long-term sickness absence and incapacity for work' guidance.
Promoting mental wellbeing at work. NICE public health guidance (publication expected September 2009).	
Depression in chronic health problems: the treatment and management of depression in adults with chronic physical health problems (partial update of CG23). NICE clinical guideline (publication expected June 2009).	

Resources from other organisations

Government strategy, policy documents and guidance	
Document	Relevance
<p>Department for Work and Pensions (2008) Raising expectations and increasing support: reforming welfare for the future . London: The Stationery Office. Available from www.dwp.gov.uk</p>	<p>This white paper proposes doubling the Access to Work* budget, which helps employers meet the costs of employing a disabled person. This would also lead to pilots of different ways of working to meet the needs of people with health problems, including mental illness. It also says people claiming employment and support allowance (ESA) should attend interviews with Pathways to Work providers. In addition, they should develop a personalised plan for returning to work with one of the advisers.</p> <p>*Access to Work is a service for people with disabilities and their employers. It can offer advice and support, including grants towards equipment, adapting the premises, or a support worker. It can also pay towards the cost of getting to work. It is available for people with disabilities who are in a paid job, unemployed and about to start work, or self-employed.</p>
<p>Black, C (2008) Working for a healthier tomorrow. London: The Stationery Office. Available from www.workingforhealth.gov.uk</p>	<p>This review of workplace health advocates: preventing illness and promoting health and wellbeing early intervention for those who develop a health condition improving the health of those who are unemployed – so that everyone with the potential to work has the support they need to do so.</p> <p>The review proposes a new Fit for Work service which would provide treatment, advice and guidance for people early on during their sickness absence. The Fit for Work case manager would refer people to a range of services, where necessary. This could include advice and support on financial and housing issues, as well as more traditional NHS services such as physiotherapy and counselling.</p> <p>The review makes the case on cost/benefit grounds for the NHS to help provide these work-related health interventions.</p>
<p>Department of Health (2007) Commissioning framework for health and well-being. London: Department of Health. Available from www.dh.gov.uk</p>	<p>This document builds on the white paper, 'Our health, our care, our say' (Department of Health 2006) and emphasises the interrelationship between work, health and wellbeing. It highlights the ways in which health and social care organisations can influence the health and</p>

	<p>wellbeing of people in employment. These include:</p> <ul style="list-style-type: none"> helping individuals who have manageable health problems to maintain or regain work (these problems could be associated with ageing, long-term conditions or a disability) working with small and medium-sized businesses to improve the availability of occupational health services providing structured opportunities for people who have experienced long-term illness or disability to regain work raising expectations that local employers will be supportive of people with caring responsibilities, for example, by encouraging more flexible working arrangements.
<p>Department for Communities and Local Government (2007) The Equality Act (Sexual Orientation) regulations 2007. Equality impact assessment. London: Department for Communities and Local Government. Available from www.communities.gov.uk</p>	<p>These government regulations outline the purpose of an equality impact assessment in line with the Equality Act legislation, which states that all sickness absence procedures should be assessed to judge their impact on equalities. For example, it states that introducing incentives and penalties as part of a sickness absence procedure could be in contravention of equalities legislation.</p>
<p>Health and Safety Executive (1999) Off sick and worried about your job? Steps you can take to return to work. London: Health and Safety Executive. Available from www.hse.gov.uk</p>	<p>A useful leaflet for employees.</p>

Relevant legislation and regulations

Document	Relevance
<p>HM Government (2005) Disability Discrimination Act 2005 (c. 13). London: Office of Public Sector Information. Available from www.opsi.gov.uk</p> <p>HM Government (1995) Disability Discrimination Act 1995 (c. 50). London: Office of Public Sector Information. Available from www.opsi.gov.uk</p>	<p>The Disability Discrimination Act 1995 and Disability Discrimination Act (DDA) 2005 created important legal protections against discrimination for workers who meet the law's definition of disability.</p>
<p>HM Government (1999) The Management of Health and Safety at Work Regulations 1999. London: Office of Public Sector Information. Available from www.opsi.gov.uk</p>	<p>These regulations make explicit what employers are required to do to manage health and safety under the HM Government (1974) Health and Safety at Work etc. Act 1974 (c. 37) Available from www.opsi.gov.uk. Employers with five or more employees need to record the significant findings of the risk assessment.</p>
<p>HM Government (1998) Data Protection Act 1998 (c. 29) (1998). London: Office of Public Sector Information. Available from www.opsi.gov.uk</p>	<p>Employers must be careful not to breach the Data Protection Act 1998 (DPA) when they collect, use and store information about their employees' absence. Details of an employee's health, either physical or mental, are categorised as 'sensitive personal data' under the DPA. The DPA also requires openness. Staff should know what information about their health is being collected and why.</p>
<p>HM Government (1996) Employment Rights Act 1996 (c. 18). London: Office of Public Sector Information. Available from www.opsi.gov.uk</p>	<p>This legislation about employee rights includes health and safety issues and section 79 is specifically about the right to return to work.</p>
<p>HM Government (1996) The Health and Safety (Consultation with Employees) Regulations 1996 and Safety Committees Regulations 1977. Available from www.opsi.gov.uk</p>	<p>These regulations provide a legal framework outlining employers' duties to consult with their employees or their representatives on health and safety matters. The law sets out how employees must be consulted in different situations and the different choices employers have to make.</p>

Other useful resources	
Document	Relevance
NHS Employers (2009) Fitness for work . London: NHS Employers. Available from www.nhsemployers.org	See chapter 23 for the legal position on assessments of someone's fitness to work in the NHS. It also covers the role of the GP and occupational health in these assessments.
Health and Safety Executive (2009) Stress management competency indicator tool . London: Health and Safety Executive. Available from www.hse.gov.uk	This tool has been designed in association with the Chartered Institute of Personnel and Development and Investors in People to equip line managers with the correct skills and behaviours to be able to manage these situations.
Health and Safety Executive (2009) HSE Ready Reckoner - Ill-Health Costs. On-line tool. Available from www.hse.gov.uk	This ready reckoner guide outlines the average length of absence by illness, by sector and by occupation, to help employers assess when to intervene. It may be useful for employers to refer to this guide alongside the NICE guidance document.
Chartered Institute of Personnel and Development (2008) Absence measurement and management factsheet. London: Chartered Institute of Personnel and Development. Available from www.cipd.co.uk	This factsheet gives advice on how to: support employees who are experiencing psychological or social problems that affect their working life support employees who have been off work for some time with stress and other mental health problems retain employees who have a disability by making the appropriate adjustments to working systems, processes or tasks.
Chartered Institute of Personnel and Development (2008) Absence management survey . London: Chartered Institute of Personnel and Development. Available from www.cipd.co.uk	Employers can use this document to compare their own absence figures with the survey results.
NHS Employers (2008) Mental health and employment in the NHS . London: NHS Employers. Available from www.nhsemployers.org	Advises NHS employers how to support employees who are experiencing mental health problems. Suggests strategies for assessing them and options for helping them to return to work.
Trades Union Congress (2008) Sickness absence and disability discrimination . London: Trades Union Congress.	A trade union negotiator's guide to the law and good practice.

Available from: www.tuc.org.uk	
Trades Union Congress (2008) TUC Gender and Occupational Safety and Health 'Gender-sensitivity' Checklist . London: Trades Union Congress. Available from: www.tuc.org.uk	This checklist can be used to see how gender-sensitive your workplace is and includes pointers about sickness absence management and investigation.
TSO (2007) Advising patients about work . London: TSO. Available from www.workingforhealth.gov.uk	A guide for GPs and other healthcare professionals on how to talk to patients about work-related issues, including return to work planning.
Trades Union Congress (2007) Occupational health. Dealing with the issues . London: Trades Union Congress. Available from: www.unionlearn.org.uk	A comprehensive guide to all aspects of occupational health. Section 4 includes advice about rehabilitation and sickness absence management. The workbook also has a comprehensive list of relevant occupational health organisations and websites.
Chartered Institute of Personnel and Development (2006) Absence management . London: Chartered Institute of Personnel and Development. Available from www.cipd.co.uk	CIPD produced this jointly with Acas (Advisory, Conciliation and Arbitration Service) and the Health and Safety Executive, this comprises four tools for assessing absence from work.
Royal College of General Practitioners (2006) The health and work handbook . London: Royal College of General Practitioners. Available from www.rcgp.org.uk	This handbook has been produced by the Royal College of General Practitioners, Faculty of Occupational Medicine and Society of Occupational Medicine Health and Work. It is supported by the Department for Work and Pensions. It addresses the health and wellbeing of people of working age and is aimed at primary care teams and occupational health professionals. It includes information about the Faculty of Occupational Medicine diploma that is suitable for GPs and signposts people to the Faculty of Occupational Medicine for a list of approved training courses.
Acas (Advisory, Conciliation and Arbitration Service) (2006) Managing attendance and employee turnover . London:Acas. Available from www.acas.org.uk	This booklet offers employers brief, straightforward advice on attendance. It has a specific section on managing long-term sickness absence.
British Occupational Health	This review offers practical advice for health

<p>Research Foundation (2005) Systematic review of workplace interventions with common mental health problems. A summary for health professionals. London: British Occupational Health Research Foundation. Available from www.bohrf.org.uk</p>	<p>professionals on work issues related to mental health. For example it advises that supervisors should keep in touch with employees on mental ill health sickness absence at least once every 2 weeks.</p>
<p>UNISON (2005) Health and safety information sheet. London: UNISON. Available from www.unison.org</p>	<p>Gives advice to UNISON branches on occupational health schemes and provides a useful checklist for discussions regarding an employer's occupational health provision.</p>
<p>Health and Safety Executive (1998) Five steps to risk assessment. Sudbury: HSE Books. Available from www.hse.gov.uk</p>	<p>This leaflet gives information on carrying out a risk assessment and what to do in response to the findings.</p>
<p>Initiatives The following are illustrative examples of the numerous initiatives that are available.</p>	
<p>Job Introduction Scheme : Directgov - Disabled people Available from www.direct.gov.uk</p>	<p>This scheme pays a weekly grant to a disabled employee's employer for the first 6 weeks of their employment to help towards their wages or other employment costs.</p>
<p>DWP - Employment and Support Allowance Available from www.dwp.gov.uk</p>	<p>Employment and support allowance (ESA) is a two-tier system of benefits. All claimants who are out of work due to ill health or a disability are entitled to the ESA basic benefit (paid at the same rates as unemployment benefit – job seeker's allowance). Those judged (via a medically administered 'work capability' test) unable to work, or with limited capacity to work due to the severity of their physical or mental condition, receive a higher support allowance, with no conditionality. Those who are deemed 'sick but able to work' only receive additional employment support if they participate in employability initiatives such as Pathways to Work.</p>
<p>Shift: Together we can tackle the stigma and discrimination surrounding mental health issues Available from</p>	<p>Shift is an initiative which aims to tackle the stigma and discrimination surrounding mental health issues in England. Working with the National Social Inclusion Programme, it aims to create a society</p>

www.shift.org.uk	where people who experience mental health problems enjoy the same rights and opportunities as other people.
Training courses The following are illustrative examples of the numerous courses that are available.	
Acas training . Available from www.obs.acas.org.uk	Acas offers a number of training courses on managing employee absenteeism.
Trades Union Congress health and safety training courses. Available from www.tuc.org.uk	The TUC runs training courses both online and at colleges for experienced health and safety representatives.
Faculty of Occupational Medicine. Resources for medical schools - competency framework . Available from: www.facocmed.ac.uk	The Occupational Health Competency Framework includes details relating to building relationships with patients, maintaining trust and professional behaviour. Competencies 4 and 5 are particularly relevant as outlined below: Competency 4 - Relationships with patients: maintaining trust; professional behaviour. Competency 5 - Relationships with patients: maintaining trust; ethical and legal issues.

Useful organisations and websites

- Advisory Conciliation and Arbitration Service (Acas): www.acas.org.uk
- Chartered Institute of Personnel and Development (CIPD):
www.cipd.co.uk
- Centre for Longitudinal Studies (CLS): www.cls.ioe.ac.uk
- Department for Business, Enterprise and Regulatory Reform:
www.dti.gov.uk
- Department for Work & Pensions: www.dwp.gov.uk
- EEF The Manufacturers' Organisation: www.eef.org.uk
- Employment Studies Research Unit:
www.uwe.ac.uk/bbs/research/esru/wps.shtml
- Faculty of Occupational Medicine: www.facocmed.ac.uk
- Hazards – the worker's health and safety magazine: www.hazards.org
- Health and Safety Executive (HSE): www.hse.gov.uk
- Health, work and wellbeing. A cross-government programme launched in 2005, sponsored by five government partners - the [Department for Work and Pensions](http://www.dwp.gov.uk), the [Department of Health](http://www.dh.gov.uk), the [Health and Safety Executive](http://www.hse.gov.uk), the [Scottish Government](http://www.scotland.nhs.uk) and the Welsh Assembly Government: www.workingforhealth.gov.uk
- Healthy Working Wales: www.healthyworkingwales.com
- Institute of Occupational Health: www.bham.ac.uk/ioh
- Institute of Occupational Safety and Health: www.iosh.co.uk
- Institute for Public Policy & Research: www.ippr.org.uk
- Mental Health Foundation: www.mentalhealth.org.uk
- MIND: www.mind.org.uk
- Mindful Employer: www.mindfulemployer.net
- National Audit Office: www.nao.org.uk
- Society of Occupational Medicine: www.som.org.uk
- Work Foundation: www.theworkfoundation.com

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