



Q: When is it reasonable to draw the line under frequent short-term absences due to an underlying mental health condition?

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A: It is not about how many days you must wait but about the steps you take to get there and what you discover when you make the enquiries

The Legal Parameters

- Contract
- Fairness
- Equality

Contract

- Notice
- Pay
- Contractual policies on notification of absence
- Right to refer to medical assessment

Fairness

- Qualifying service
- Employer must be properly informed of the medical position
- Consulting the employee
- Giving them reasonable warning
- Consideration for alternative employment where appropriate

Equality Act

- Only applicable if:
 - employee disabled
 - employer knows/ought to have known employee is
 - disabled
 - disability causes the problem
- Reasonable adjustments
- Detriment/dismissal for a reason related to disability

Contact

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