



## Suitable person

### **2.8.1 Sickness and unexpected absence policy and procedure**

#### **The key principles**

All of us can fall sick or have an emergency in our personal lives which means we are unable to come to work. Some of us might experience an illness that keeps us off work for long periods of time.

It should be remembered, however, that all absences place considerable strain on the other members of our team and make it more difficult for the nursery to provide the care that the children deserve.

So, this policy sets out the mechanisms the nursery has in place to ensure we are:

- Supporting all staff – not just those who are sick, but also the staff who are covering in the classroom.
- Closely monitoring unplanned absences.
- Taking action to ensure that no one is repeatedly off work due to unexpected absences.

We promote good health and aim to provide a healthy working environment demonstrating commitment to health, safety and the welfare of all staff in order to maximise attendance.

The Manager and Owners are responsible for regularly monitoring and taking appropriate action in connection with sickness and other unplanned absence.

#### **Exclusion periods for contagious illnesses**

If you have any infectious or contagious illness you must adhere to the same exclusion periods as children. This will ensure that you are able to recover appropriately, and that this infection or illness is not passed on to other staff, children or parents. The Manager will advise you of any exclusion times required (see the Sickness and illness and Infection control policy examples).

#### **Types of absence – short term and long term**

##### *Frequent short-term absence*

This is when an employee has been absent from work through sickness or injury on a number of occasions within a defined time frame, or absences which fall into a pattern over the same period. See the 'trigger points' below.

##### *Long-term absence*

This is when an employee has been, or is expected to be, absent from work for more than four consecutive weeks. See the trigger points below.

#### **Trigger points that will initiate action**

The trigger points below will normally initiate the appropriate sickness absence process:

- Five working days or more of absence in a rolling six-month period.
- Three instances of absence in a rolling six-month period.



- Ten non-continuous working days or more in a 12-month period.
- Four calendar weeks / 28 days of continuous absence.
- Any recognisable recurring patterns.
- Sickness absence related to mental health issues (e.g. depression, anxiety, stress).
- A physical impairment which requires workplace modifications.
- Other reasons for absence that may cause concern.

### **Potential outcomes of formal sickness and absence reviews**

- No further action is necessary.
- Specify what, if any, assistance can be offered to the employee.
- Consider whether a further medical report is necessary.
- Continue to monitor the absence once a month for the next six months.
- Issue a written warning, which will remain live for 12 months.
- Where an employee has failed to comply with sickness absence notification procedures, the company will consider whether SSP should be withheld.
- Terminate the contract of employment due to frequent short-term absence.

### **How employees must notify work of an absence**

Employees who need to be absent from work due to sickness or an unexpected emergency must comply with the following rules:

1. On your first day of absence, you must:
  - Telephone the Manager on her mobile before 7:00am. (Text messages, WhatsApp and emails are not an acceptable form of communication.)
  - Give brief details of why you are absent and your expected length of absence. If the absence is due to an injury at work, this must be reported.
  - Call the nursery again by 1:00pm to tell the Manager whether you will be back at work the following day.
  - In exceptional circumstances, for example in the event of hospitalisation, someone else may notify the Manager on the employee's behalf.
  - If an employee has been exposed to a communicable illness (e.g. diarrhoea and vomiting) she or he must inform the Manager.
  - Employees must have ceased to experience diarrhoea and vomiting for 48 hours before returning to work.
2. On every subsequent day of absence.
  - If you have told the Manager you will return to work and find that in fact you can't, you must call her by 7:00am to tell her about your continued absence.
  - If you have told the Manager you will not return to work, you must call her on her mobile or at the nursery to tell her when you expect to return to work. (Again, e-mails. What's App or text messages are not an acceptable form of communication.)
3. Complete a sickness self-certification form.

- You must complete a sickness self-certification form as soon as you know you will be off for more than two days. This form will be emailed to you by the Manager.
4. On the 8<sup>th</sup> day of absence
    - For absences lasting 7 calendar days or more, you must produce a medical certificate (a 'fit note') from your doctor stating the reason for your absence. This must be provided to the Company no later than the 8<sup>th</sup> day of sickness absence. You must visit your doctor in good time to ensure that the medical certificate can be sent to the Manager within the necessary timeframe.
  5. Every week of absence thereafter
    - Further medical certificates are required for each week of sickness absence.
    - You must keep your Manager regularly informed of your absence and the likely duration of it.
  6. On returning to work
    - On returning to work you must complete the 'Return to work after absence form' (found in the Master Copies folder). This should be signed by the Manager.
    - A 'return to work' interview will be held between you and the Manager. See below for more details on what will be discussed.

Reporting any absence should be done using the following guidelines. Failure to follow these guidelines could delay any sick pay due to you and could possibly result in disciplinary action.

## **Return to work interviews**

The setting will normally hold return to work discussions each time an employee returns to work following a short-term absence. Key elements of this discussion include:

- Welcoming the employee back to work.
- Clarify with the employee absence dates and reasons.
- Discuss whether the employee has any underlying health concerns, and if so, gain consent for a medical report.
- Speaking to the employee about the absence and the reason for it in a fair and factual way – absences are always monitored.
- Consider any personal problems the employee may have that are impacting upon their attendance and explore what options may be available to support them.
- Where appropriate, identifying ways to assist the employee to improve her or his attendance in the future.
- Establishing, through investigation and discussion with the employee, the underlying reasons for frequent absences.
- Checking whether or not absences are in part because of personal or family problems.
- Checking whether the employee's absences are in any way work-related, for example, as a result of workplace stress – if the problem is work related, the Manager should take prompt steps to remove or reduce factors contributing to the employee's problem.
- Establishing whether any medication is being taken which may impact on the employee's ability to carry out their role.
- Inform the employee that reaching one of the trigger points in the next six months may result in formal absence proceedings.

- Give the employee a copy of the sickness absence procedure.

## **How we will monitor absences**

The first step in managing sickness absence is to identify when sickness trigger levels are reached, which then requires management action. This can only be done through maintaining records and monitoring absence levels on an individual and group basis. The setting will also be alert to patterns, for example persistent Monday or Friday absenteeism.

## **Managing short-term absences**

### *Formal sickness and absence meeting*

If attendance, for whatever reason, becomes a matter of concern, for example, when trigger levels are reached, our formal sickness and absence process can be invoked and a formal sickness review meeting will be held with the employee.

### *Organising the meeting*

- The meeting will take place as soon as possible, within the review period, once a trigger point has been reached.
- A minimum of 48 hours' notice should be given of any formal sickness review meeting. This will include details of the sickness dates and reasons given.
- If an employee is unable to make a formal scheduled meeting, she or he can suggest an alternative date within five working days of the original date set. If a date cannot be arranged within a reasonable time frame, a decision may be taken in the absence of the employee.

### *Right to be accompanied*

- Employees are entitled to be accompanied by a trade union representative or fellow employee.
- At all formal sickness review meetings, the Manager can choose to be supported by another member of the management team, such as the Owner.

### *Points to be covered at formal sickness review meetings*

- Review the employee's attendance.
- If a pattern is identified, the Manager will put her or his observations to the employee directly so that the employee has the opportunity to provide an explanation.
- Review the reasons for the absence. The employee should be given an opportunity to explain any circumstances, which might be contributing to the level of absence, or any other matter which she or he feels ought to be taken into account.
- Seek medical advice, if appropriate, to determine whether there is any underlying medical cause for the employee's frequent absences.
- Consider whether or not there is an underlying reason for the absence.
- Discuss how the absence record may be improved.
- Schedule follow-up meetings at an agreed time to monitor the ongoing situation and review the improvements made, if any.
- Discuss any management support required or other needs.
- Make the employee aware that if the trigger levels are reached again, the matter may be referred to the next formal stage of the procedure.
- Warn the employee of the consequences of continuing unsatisfactory attendance: that she or he may eventually be dismissed.

### *Potential outcomes*

- Decide that no further action is necessary.
- Specify what, if any, assistance can be offered to the employee.
- Consider whether a further medical report is necessary.
- Continue to monitor the absence once a month for the next six months.
- Where an employee has failed to comply with sickness absence notification procedures, the company will consider whether SSP should be withheld.
- Issue a written warning, which will remain live for 12 months.
- Terminate the contract of employment due to frequent short-term absence.

### *Confirm outcome in writing*

- The outcome of the meeting must be confirmed in writing within 10 working days of the meeting.
- The right of appeal must be included in the letter.

## **Managing long-term absences**

### *First formal review*

The Manager should contact the employee to arrange a meeting to discuss the position and ascertain when (and if) a return to work can be expected. At this point a medical report should be requested.

### *Second formal review*

Once medical advice has been received, this should be discussed at a second meeting with the employee. The employee has the right to be accompanied by a trade union representative or a work colleague. There are likely to be four possible outcomes:

- A return to work within a reasonable period. The details of these arrangements will need to be agreed on an individual basis between the parties concerned and could include a phased return (such as part-time hours).
- Alternative employment. If the report indicates that the employee is incapable of carrying out the duties of their current post but may be able to perform other duties, the setting will make every reasonable effort to find such employment. This will include giving the employee priority consideration for appropriate vacancies.
- Reasonable adjustment. If the employee has a disability as defined by the Equality Act 2010, then the setting will consider making reasonable adjustments to the particular job to accommodate the employee's short-term or long-term requirements.
- Termination of the employment contract on the grounds of incapability due to ill health, ill health retirement, or suitability to work with children, taking into account any medical information available.

In some cases it may be necessary to have more than two meetings with the employee before a final decision can be made.

### *The process followed at all review meetings*

- In the event that the employee is too ill to attend this meeting, the Manager could consider meeting at the home of the employee.
- The employee is entitled to be accompanied by a trade union representative or a work colleague.
- If an individual is unable to make a formal scheduled meeting, she or he can suggest an alternative date within five working days of the original date set. If a date cannot be arranged within a reasonable time frame, a decision may be taken in the absence of the employee.
- The outcome of the meeting must be confirmed in writing within 10 working days of the meeting.
- The right of appeal against any penalty issued must be included in the letter.

## **Disability as defined by the Equality Act 2010**

For both short-term and long-term sickness cases, where the employee is disabled within the meaning of the Equality Act 2010, the review meeting(s) will:

- Seek to establish the nature of the illness and its likely duration.
- Seek consent for a medical report, in order to establish the nature of the illness, its likely duration and its effect on the employee's ability to carry out his or her job; the employee may be asked to see an independent doctor appointed by the setting to enable a medical report to be prepared.
- Consider making reasonable adjustments to the particular job to accommodate the employee's short-term or long-term requirements.
- Consider offering alternative employment or a shorter working week or such other adjustments to the employee's job as may be reasonable in the circumstances.

## **Occupational health**

The nursery reserves the right to request employees to attend an appointment with an Occupational Health Advisor (e.g. consultant, GP) during their employment, if it is reasonably deemed necessary due to sickness absence, changes in health or the role, or where it is necessary to seek an expert medical opinion as to whether or not the employee can fulfil their job role or whether any reasonable adjustments should be made to the employee's role.

The nursery will seek to engage the services of an independent Occupational Health Advisor in situations where expert medical opinion is required and work with them to identify the best course of action in circumstances of sickness absence.

## **Access to medical records**

The Access to Medical Records Act 1988 gives individuals the right of access to medical records relating to themselves which have been prepared by a medical practitioner for employment purposes. The Act provides that:

- Employers must gain the consent of employees before requesting reports from medical practitioners
- Employers must inform employees of their rights in respect of medical reports
- The employee has the right of access to the report before the employer sees it, provided appropriate notification is given
- The employer is responsible for notifying the medical practitioner that the employee wishes to have access
- The employee may ask for a report to be amended or may attach a statement to the report
- Having seen the report, the employee may wish to withhold consent to it being supplied.

Where the nursery requests further medical information about the health of staff from an individual's general practitioner or specialist, or its own occupational health provider, the provisions of the Act will be followed.

Throughout any interviews regarding sickness absence, staff are entitled to the support of and/or representation by a work colleague or recognised trade union representative.

## **Sick pay**

Statutory Sick Pay is paid in accordance with statutory requirements and where you are eligible.