

Sickness Absence policy and Absence management process

We know that there'll be times when you can't come to work – whether because you're ill or something else unexpected has happened. We want to support you and help you come back to work as soon as possible. But we'll also need to review and manage your absence, to minimise the impact on our operations.

We are a heavily regulated operation. Each part of our working is regulated and should be in compliance to the statutory framework. We have designed our operations and working to ensure that we are planning ahead and schedule staff to meet those regulatory requirements.

Staff absences and sickness leads to a challenge on meeting those regulatory requirements and aside the same compromises the welfare and wellbeing of the children and the staff at the nursery.

We therefore expect that our colleagues are able to manage their sickness and absences to ensure a smooth and predictable running of the nursery.

We would like to understand the health and wellbeing of our colleagues and proactively have discussions in respect of changing their work time commitments and schedules to only commit to what they are able to do without absences.

However, if you are sick and absent, please ensure you understand that we are having standard procedures and the expectations on follow-up actions that will ensue.

This requires that we have appropriate reporting of absences, in time and correct channels (not text messaging). Further it requires that we have a follow through on corrective actions and remedial measures to manage sickness absences.

Absence Reporting Procedure & Keeping in contact

Please ensure you understand that under our Staff Operations Handbook that the below extract from our Staff Operations handbook:

- On your first day of absence you must telephone your nursery at the earliest opportunity (but no later than one hour from the time you would normally start), sharing why you are absent and how long you think you might be off work. You need to also indicate a tentative date of return to work.
- After the telephone call, you should put the details discussed on the call on a message on our online Family system to your Room Leader, Nursery manager and the Office. Your message should contain information on time you called, whom you spoke with, what is the nature and reason of your absence, and your projected date of return to work.
- In case of minor illnesses, you should try to turn up to work at your appointed shift time and meet with the manager to communicate your status unless it is impossible for you to do so physically. You will be sent home after a face to face assessment with your manager.
- You should make the notification of absence personally unless impossible due to the nature of the illness where you should arrange for someone else to call on your behalf.
- A text message is not acceptable under any circumstances.

- It is not acceptable for you to text, email, contact a colleague, or leave a message or have a friend or relative call on your behalf.
- Please remember you should always provide reasons for your absence, an estimate of how long you expect to be off work, a telephone number by which you can be contacted and details of any outstanding or urgent work that requires attention.
- While you are off sick, it is important that you keep in regular contact with your manager (or another approved nominated person), to let them know how you are and when you expect to be able to return. If you are unable to contact your supervisor/manager directly you should contact another supervisor/manager.
- It is essential that you keep the nursery updated on the reasons of your continued absence and its estimated duration. You should contact the Nursery daily during periods of absence unless your manager instructs you otherwise. You should follow-up the telephone call with a message on our online system Family. Your message should contain information on time you called, whom you spoke with, what is the nature and reason of your absence, and your projected date of return to work.
- During prolonged periods of absence, you must contact your nursery manager at least once a week, or as requested by your nursery manager, to keep them informed of your progress and an expected date of return.
- When you return to work, your manager will meet with you to understand the reason for your absence and will ask you to sign a Sickness Absence form (Online) recording details about your time off.
- Any employee who has been absent due to sickness and is found not to have been genuinely ill will be subject to disciplinary action, which could include dismissal without notice.
- Other than sickness absence, employees are required to complete Absence at short notice or Coming in late to work forms Online where applicable.

Sickness certification

You should self-certify your sickness up to and including seven calendar days using the Self certification form (online form that the Nursery Office Manager shall advise you. But if you're off sick for over seven days, you need to get a Fit Note from one of the following approved Healthcare Professionals - doctor, nurse, occupational therapist, pharmacist or physiotherapist in order to cover your absence from the eighth day onwards. You need to send a clear legible scan/photo copy of this Fit note on Family to your Nursery Manager and Office Manager.

We may ask you to get a Fit Note before the eighth day of your absence – but we'll only do this in exceptional circumstances and the nursery will pay you back if there's a charge for this if you give us the invoice you receive.

Remember, any period of sickness absence which isn't covered by self-certification or Fit Note is classed as unauthorised absence. So, if you're absent from work for any length of time, it's important to make sure that the documents you give us cover the whole time, with no gaps in between them.

Reasonable Adjustments

We will be communicating with you to understand what reasonable adjustments we can provide to ensure your attendance to work. This may include reduced working hours and adjustments to shift patterns that work for you. The idea is to agree to shifts and work patterns that you are able to attend.

Occupational health

If you're off sick, we may want to refer you to Occupational Health to get more information about your condition. You don't have to agree, but if you don't we'll manage your absence on the basis of the limited information we've got.

Once your appointment is booked, it's important you attend. If you need to cancel or reschedule, you must call them and your nursery office manager, giving at least two clear weekdays' notice (not including the date you call and the date of your appointment). So, if your appointment's on a Thursday, you should tell them on the Monday if you can't go, and if it's booked for Wednesday, you should tell them the Friday before.

Return to work meeting

Your manager will meet with you after every absence to talk about how you're feeling and if there are any adjustments suggested on your Fit Note. They'll record details of what you discuss in a staff supervision form (available online).

This meeting must take place on the day you return to work. If any changes need to be made to your work or working environment to support you to return to work, these will be recorded in the staff supervision form.

In the meeting, your manager will talk to you about the reason for your absence and about any concerns you may have, and also about the impact of your absence and any next steps that might be taken. It's important to tell your manager if you think there may be underlying reasons for your absence, or if you were absent for a work-related reason.

Absence Triggers

We have a system of absence triggers in place to help us manage short-term periods of absence.

These triggers are:

- The second instance of sickness or absence within a 3 month period.
- Having more than 3 continuous days off.
- Three periods of absence in a rolling 12 month period from the 1st day of absence (two if you're within your probationary period).
- 10 or more days/shifts of absence in a rolling 12-month period.
- Where there's a pattern of absence – (such as the Tuesday after a bank holiday weekend or the day after a big social or sporting event).

First absence review meeting

If you reach one of these absence triggers, you'll be invited to an absence review meeting to talk about your levels of absence. If the colleague wants to be accompanied to the meeting by a trade union rep or another colleague, they should arrange this and let the manager know before the meeting.

Before the absence review meeting, managers should review all the information they have about the colleague's absence – including completed Return to Work forms / Self-Certification forms, and Occupational Health or other medical reports.

At the meeting, the manager will discuss whether there are any concerns about the colleague's level of absence. They'll ask them to talk about their absences and if there are any factors contributing to them – such as a workplace issue or an ongoing or underlying medical condition.

If needed they may ask the colleague to agree to a referral to Occupational Health. If appropriate, they'll discuss any possible adjustments that may help and record what's agreed.

The manager should take a colleague with them to the meeting to take detailed notes of what was discussed. At the end of the meeting, we'll ask everyone to read and sign the notes to make sure they're an accurate reflection of what was discussed.

The manager will then adjourn the meeting while they make their decision.

At the end of this meeting your manager may give you an absence warning (first warning) – although we won't do this for sickness absences that are pregnancy-related.

If the manager decides to issue a First Absence Warning, the letter will set out what the colleague needs to do to improve their absence levels. The warning will be live for six months.

If the manager decides that no further action should be taken, then they'll send the colleague a letter to explain that the matter is now closed and thank them for their co-operation.

Just so it's clear, absence warnings are different to, and separate from, any disciplinary warnings a colleague may get.

Second absence review meeting

If the colleague has a further period of absence while the first warning is live, we'll hold a second absence review meeting following the same process as in previous section.

If the colleagues' absence level has not improved, the manager may decide to issue a Second Absence Warning, which will be live for nine months.

Final absence meeting

If the colleague is absent again while the second warning is live, we'll invite them to attend a final absence review meeting. The letter will tell them that an outcome of this meeting could be dismissal.

Unfortunately, we may be forced to serve a notice of dismissal where we are unable to manage the sickness absence and achieve an acceptable attendance even after reasonable adjustments.

After the meeting, we'll confirm the decision in writing and the letter will include the details of how to appeal.

Again, if the manager decides that no further action should be taken, then they'll confirm this to the colleague and thank them for their cooperation.

Managers should call the Directors for advice before dismissing a colleague.

Appeal

The colleague can appeal against an absence warning. The colleague should give the grounds for their appeal as either;

- new information or evidence is available that wasn't considered before
- the process wasn't followed correctly, or
- they feel the outcome wasn't fair and reasonable

Colleagues should send their appeal within seven calendar days of receiving the outcome letter – but we'll give them longer in exceptional circumstances.

Appeal Meeting

The appeal meeting will be with an independent manager who's had nothing to do with the original decision. The appeal manager will invite the colleague to an appeal meeting giving them at least 48 hours' notice. This will usually be within 14 calendar days of getting the appeal letter, but we'll let the colleague know if it's going to take longer.

If the colleague wants to be accompanied to the appeal meeting by another colleague/person, they should arrange this and let the manager know before the meeting.

At the appeal meeting, we'll ask the colleague to explain the reasons for their appeal and why they feel that the original outcome wasn't appropriate. The manager will adjourn the meeting if necessary to get further evidence or interview witnesses. If there is any further evidence, we'll make sure the colleague is given a copy or provided access to it is and give them the opportunity to respond to it.

The appeal manager will take a colleague to the meeting with them to take notes and at the end of the meeting everyone will be asked to check and sign the notes. The manager will then adjourn the meeting while they make their decision.

Appeal outcomes

Once the appeal manager has reached their decision, they should confirm it to the colleague in writing. This will normally be within 14 calendar days, but again, if it's going to take longer we'll keep the colleague informed.

The appeal manager may decide to:

- Reject the appeal – so the original decision is upheld
- Uphold the appeal – and remove the Absence Warning
- Uphold the appeal – and overturn the dismissal

This ends the appeals process.

Disability-related absence

If you think you have a disability, talk to your manager about it and discuss any adjustments you need.

If you're off sick due to a disability-related illness, your manager will try to support you to return to work. They might refer you to Occupational Health to find out more about your condition, how it may affect you at work and whether there are any adjustments we could make to help.

These absences might count towards the absence triggers in some circumstances. But it might be a reasonable adjustment to agree a revised absence trigger with you for absences related to a disability or to not include them when calculating absences triggers.

If you have any questions or concerns about disability-related absence, speak to your manager.

Managers should call nursery directors/ndna legal helpline for advice on revising absence triggers for colleagues with disabilities.

Phased return

If you're coming back to work after an extended absence, you might need a phased return. This means you'll return to work gradually, helping you get back up to speed and to check that any adjustments we've made are working.

Phased returns can include returning on reduced hours or doing amended duties. They usually last for 4-6 weeks but can be for up to 12 weeks in some circumstances. Any phased return will be based on the advice from Occupational Health or your GP.

Just so you know, if you're working reduced hours during a phased return, you'll normally get paid for the actual hours you work.

If you need further support

Remember we have an Employee Assistance (EAP) who can provide colleagues with support. You can contact the EAP on 0800 915 80823. It's independent and totally confidential. And there's no charge for our staff/employees.

Bradford Factor

We shall also be using the Bradford score to monitor sickness absence.

The Bradford Score is used as a summary measure of sickness absence which combines information on both frequency and length of sickness-absence. The score is calculated as: the number of spells of absence squared, multiplied by the total number of days absent, (i.e. $(\text{NumberOfSpells})^2 \times \text{TotalDays}$).

- For example, an employee with three spells of absence, of 3, 5 and 2 days over the past twelve months, would have a Bradford Score of $(3 \times 3) \times 10 = 90$, for the period.
- Another employee with one spell of 5 days over the same period would obtain a Bradford Score of $(1 \times 1) \times 5 = 5$ for the period.

The Bradford Score seeks to indicate the composition of an individual's sickness-absence record, i.e. whether it comprises a few spells of long duration or many spells of short duration and it gives increased weight to higher instances of short term absence, which is viewed by some as being more disruptive.

We therefore request colleagues to please understand that while sickness is not anyone's fault and mistake it leads to a breakdown of the operations at the nursery. This impacts negatively the welfare and wellbeing of the children and our fellow colleagues.

Please come forward and discuss your health and proactively reduce and make adjustments to your attendance and schedules to what you are able to achieve and meet.

Absence Management

We encourage all our employees to maximise their attendance at work while recognising that employees will, from time to time, be unable to come to work due to sickness, illness or infection. By implementing this policy, we aim to strike a reasonable balance between the pursuit of our business needs and the genuine needs of employees to take occasional periods of time off work because of sickness. This policy and procedure establishes a framework to support individuals and the organisation in times of sickness absence. It ensures that appropriate and consistent advice is provided and that assistance and support is offered to employees and, where necessary, action is taken.

Principles

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.

Management is responsible for regularly monitoring and taking appropriate action in connection with sickness and other unplanned absence.

Exclusion periods for contagious illnesses

Working with children means that you are more likely to come into contact with illnesses, which can be highly contagious. We take the health of children and staff very seriously; therefore, if you have any infectious/contagious illnesses you must adhere to the same exclusion periods as children. This will ensure that you are able to recover appropriately and that this infection/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 policies).

Sickness absence reporting procedure

Reporting sickness 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.

1. On your first day of absence, you must:
 - Telephone the nursery yourself and speak to the manager (on duty)
 - Give brief details of your illness and your expected length of absence
 - Thereafter put an email to the nursery manager to confirm the above conversation in writing.

Text messages are not an acceptable form of communication for this purpose. Contact someone within one hour of your normal start time. If you are due to start at *7:30/*8:00am then please attempt to contact the manager at least half an hour before your shift is due to start.

You should contact the Nursery every day that you are absent in the first week of absence.

2. On returning to work you must complete a copy of the 'Employee's statement of sickness self-certification form'. This is completed online and the manager should review the same.

3. For absences of more than seven consecutive days, including the weekend/non-working days, you must provide a 'fit note' completed by a qualified medical practitioner for the period of absence.

After returning to work from any sickness absence leave, a 'return to work' interview will be undertaken by the employee and line manager. This needs to be done by the nursery manager and recorded on Google Forms as using the "return to work" form.

During the return to work interview the following will be discussed:

- The reason for absence
- Whether any support is required and/or adjustments to the role (on a temporary or more permanent basis) and what they are. These might include regular catch up meetings, adjusted work patterns, changes of duties
- Future requirements and expectations, e.g. Improved attendance.

The return to work interview discussion is recorded online on staff supervision forms on google forms and signed by both the manager and employee.

Where an employee's attendance record gives cause for concern because of the duration or frequency of absence, this is brought to the attention of the employee through a discussion with the manager.

Throughout any stage of discussions on sickness absence, employees may be accompanied by a work colleague if the employee wishes.

The abuse of sick leave and pay regulations may be classified as misconduct and will be dealt with through the disciplinary procedure.

Frequent and/or persistent short-term sickness absence

Short-term absence may be short periods of one or two days occurring frequently.

Absence of this nature can be identified by one of the following indicators and should be classed as a trigger:

- Four self-certified spells of absence in one calendar year
- A total of 10 working days or more of self-certified absence in one calendar year
- Patterns of absence over a period, e.g. an individual regularly taking Mondays or Fridays off
- Where an employee's attendance record is significantly worse than those of comparable employees, or absence problems have gone on for a considerable length of time.

Long-term sickness absence

For the purposes of the policy, long-term sickness absence is defined by the nursery as absences lasting over 2 weeks.

Where absences have lasted over 10 working days or more, the manager will contact the member of staff concerned to obtain an initial assessment of the sickness/illness.

At this point and where felt appropriate after further assessment of the sickness/illness, the manager will arrange a face-to-face or virtual (zoom) meeting or telephone conference between themselves and the member of staff. The meeting will include:

- Confirming the reasons and nature of the absence and its likely duration
- Ensuring that the member of staff is aware of the nursery's concern regarding their health and necessary absence from work
- Consideration of alternative duties or a shorter working week if this would enable a quicker return to work subject to medical advice
- Consideration to any personal issues being encountered and discuss possible ways of helping the individual resolve these
- Advising the member of staff that in their best interests they may be asked to see a registered medical practitioner or occupational health provider appointed by the nursery to enable a medical report to be prepared
- Alternatively, and if appropriate, gain agreement from the member of staff to contact their doctor or specialist in order to establish the likely length of absence and the long-term effect on capability in relation to job performance and attendance at work.

If all other avenues have been investigated, the absence continues or, following return to work, the attendance record does not improve, a subsequent meeting would be arranged.

At this point and with legal advice the manager may advise the member of staff on long term sickness absence that unless there are reasonable grounds to believe there will be an improvement in the foreseeable future, their ill health may put their employment at risk with the possibility of termination by reason of capability or suitability to work with children might have to be considered, taking into account any medical information available.

The position will be reviewed periodically and ultimately it may become necessary from a business perspective to consider termination of employment. In these circumstances, the nursery will:

- Review the employee's absence record to assess whether or not it is sufficient to justify dismissal
- Consult the employee
- Obtain up-to-date medical advice through the employee's GP and/or occupational health
- Seek legal advice, where applicable
- Advise the employee in writing as soon as it is established that termination of employment has become a possibility
- Meet with the employee to discuss the options and consider the employee's views on continuing employment
- Review if there are any other jobs that the employee could do prior to taking any decision on whether or not to dismiss
- Allow a right of appeal against any decision to dismiss the employee on grounds of long-term ill health
- Arrange a further meeting with the employee to determine any appeal
- Following this meeting, inform the employee of its final decision
- Act reasonably towards the employee at all times.

Any decision to terminate employment will be taken by the nursery's directors, making sure the capability procedure has been exhausted.

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 (SSP) will be paid in accordance with Department for Work and Pensions requirements and no payment will be made for the first three working days in a period of incapacity for work up till the period as per the statutory provisions.

Annual leave and sick pay

Where an employee falls sick or is injured whilst on annual leave, the nursery will allow the employee to take sick leave and take the annual leave at a later time. This policy is subject to the following strict conditions:

- The total period of incapacity must be fully certificated by a qualified medical practitioner
- The employee must contact the manager as soon as he/she knows that there will be a period of incapacity during the pre-planned annual leave in accordance with the Sickness Absence Reporting Procedure
- The employee must submit a written request no later than five days after returning to work setting out how much of the annual leave period was affected by sickness and the amount of leave that the employee wishes to take at another time
- Where the employee is overseas when he/she falls sick or is injured, evidence must be produced that the employee was sick by way of either a medical certificate or proof of a claim on an insurance policy for medical treatment received at the overseas location.

Where the employee fulfils all of the above conditions, we will allow the employee the same amount of annual leave as the amount lost due to sickness or injury.

Sickness or injury shortly before a period of planned holiday

If an employee is ill or is injured before the start of a period of planned annual leave, we will agree to the employee postponing the annual leave dates to another mutually agreed time. Any period of sickness absence will then be treated in accordance with the employer's normal policy on sickness absence.

The employee must submit a written request to postpone the planned annual leave and this must be accompanied by a letter from his/her doctor confirming that he/she is unfit to take the annual leave.

Replacement annual leave dates

Where it is agreed that an employee can take replacement annual leave at a later time, the employee should nominate replacement annual leave dates as soon as possible, with the dates being subject to the agreement of the employee's line manager in the usual way.

Employees should endeavour to take any replacement annual leave within the same holiday year as the days lost as a result of sickness or injury. In the event that part or all of the annual leave is lost due to incapacity towards the end of the nursery's holiday year and there is insufficient time left during that year for the replacement annual leave to be taken, the employee will be permitted to carry over the replacement annual leave to the next holiday year in line with statutory rules. However, this leave must be taken as early in the new holiday year as possible.

Serious illness/injury of an employee's immediate family

This will be looked at on an individual basis, the nursery manager will agree with you a reasonable period of leave time initially, with additional leave if a significant amount of time off is required. You may also need to consider taking any annual leave/TOIL and working flexibly i.e. making adjustments to the length of the working day, changes in hours/days worked etc if the nursery can work with it.

Death of a member of an employee's immediate family

This leave applies on the death of an employee's spouse, life partner, parent, brother, sister, grandparent, dependant or other relative for whom the employee has special responsibility or has had special ties. See bereavement leave policy.

Generally, the amount of time off required will be at the manager's discretion but it is advisable to either;

- 1 Set a defined amount unpaid time, or
- 2 Remove this in its entirety and deal with request as holiday and/or under the emergency time off provisions of the **Employment Rights Act 1996 (s.57a)**

Death of a Child

If an employee has a death of a child under the age of 18 or suffers a stillbirth from 24 weeks of pregnancy, all employees will be entitled to two weeks paid leave; subject to meeting the eligibility criteria having been employed for at least 26 weeks. **The Parental Bereavement Leave and Pay Act 2018.**