Staff Absence & Sickness

Our policy is to provide support to staff through periods of sickness and to ensure that those who have been sick are given any help needed to return to work.

It is important that sickness absence is not abused as the Preschool does not have the resources to sustain high levels of absences without affecting the services we can provide.

Legal Responsibilities

Under the Health and Safety at Work Act, employers have a responsibility to protect the health and safety of their employees. If your employee is more vulnerable to physical or psychological risk on return to work because of their illness, injury or disability, employers have an extra responsibility to protect them.

If an employee has a disability which affects their attendance, the employer's first step must be to make 'reasonable adjustments' to enable the employee to improve their attendance. Under the Equality Act 2010, employers have a legal responsibility to make any adjustments that are reasonable to make.

Notification of Absence

The correct procedures for notifying the Nursery Manager of sickness absence are detailed in the contract of employment, which states You must notify the manager by telephone on the first day of incapacity at the earliest possible opportunity and by no later than one hour before you are due to arrive at work on the first day of your absence.

Sick Pay

The Preschool has a policy of only paying statutory sick pay subject to the employee meeting the eligibility criteria as set out by the government.

The Trustees may, however at their discretion consider paying full or half pay during some periods of sickness in cases which they regard as exceptional. Where full/half sick pay is paid, Statutory Sick Pay will be offset against this amount. Subject to eligibility employees will receive Statutory Sick Pay (SSP), payable after three 'waiting days', i.e., it is payable on the fourth day. It is payable for up to 28 weeks. Government guidance for SSP can be found here: https://www.gov.uk/statutory-sick-pay

In cases where a doctor advises an employee to work less than their normal hours as a temporary measure following a period of sickness (phased return), full pay will

be given for a limited period at the discretion of the Nursery Manager subject to approval of the Trustees.

Keeping in Touch During Absence

It's important that both the employer and employee stay in regular contact during absence, especially if it's long term. This is an opportunity to check on the employee's wellbeing, identify if they have any support needs, and to make sure relevant information for work is exchanged.

The Nursery Manager will agree with the employee:

- How often the contact should be
- If the contact is to be by email, phone or face-to-face meetings
- Who the employee is to be in contact with (Where this is not the Line Manger)

Where an employee's absence is due to a mental health condition, particular consideration will be given to whether less or more frequent contact is most appropriate.

Return to Work Meeting

The Nursery Manager will carry out a return-to-work interview with the employee for sickness absences where appropriate – typically after long term periods of absence or where patterns of frequent short-term absence are identified.

The meeting will be recorded and signed as accurate by both parties.
The meeting will cover:

- Welcoming the employee back to work
- Any updates or information that the employee has missed in their absence.
- Asking about the employee's health and reason for absence
- Discussing any work-related or other issues that may have contributed to the absence
- Explaining any consequences of the absence, in line with your company policy
- Discussing what measures can be taken to prevent future absences, if relevant
- Training which requires updating

Frequent Sickness Absences

A review of your absence and health may occur, if there are:

- three absences in any rolling three-month period
- five absences in any rolling 12-month period

- a total of 11 days or more in any rolling 12-month period
- apparent patterns or trends in your absence.

Initially the Nursery Manager should hold an informal discussion with the employee to establish their views of their own health and to discover if there are underlying work-related causes.

The Nursery Manager should make it clear that this is an informal interview to see if anything can be done to help and to explain the problems caused by frequent sickness absences.

The Nursery Manager should inform the employee that absences will be monitored. A review date should be agreed. Finally, a written record should be made, and a copy given to the employee. The Nursery Manager will keep the Trustees informed throughout.

Employees should be afforded the opportunity to discuss any specific illness or problems with a Manager / Trustee of their own gender should they wish.

If informal conversation does not resolve the frequent sickness absences, the Nursery Manager should escalate the response for either capability or conduct:

- Capability – This is where an employee's ill health is affecting their ability to carry out their job. Employees can be dismissed for capability reasons, but the employer must have issued prior warnings that employment is at risk, and have sought medical advice, subject to the employees consent under the Access to Medical Report Act. The employee must be consulted about the situation.
- Disciplinary – This is where an employee is persistent in failing to follow the sickness absence procedures and should be managed following disciplinary procedures.

Medical Opinions

The Nursery Manager reserves the right to request that an employee gives permission for the Preschool to obtain a report from their doctor in the case of frequent or long-term sickness absence, in order to make informed managerial judgements. In addition, they may also appoint a doctor to give the member of staff an independent medical examination if felt necessary, subject to the Access to Medical Reports Act 1988.

The Preschool expects you to co-operate with these requests and we will make sure you are consulted and advised in accordance with your legal rights.

Should we require you to attend an independent medical examination, this will be done at our expense.

Legal Requirements

Under the Access to Medical Reports Act 1998, the employee must give their written consent for their employer to contact their GP and must be given the opportunity to review any medical report before it is passed on. They have the right to withhold this report.

If an employee does not permit you to have access to medical information, then you are entitled to take a decision on their ongoing employment without the benefit of that medical information.

An employer can ask for a doctor's report about their employee's health if it's needed to stick to the law. For example, to:

- Assess whether the employee is fit to carry out their work
- Prevent health and safety risks
- Prevent disability discrimination

The employer can only do this if the employee agrees.
The employee can also:

- Ask their doctor not to give information they think could be damaging or is not relevant
- Ask to see the doctor's report first
- Not agree to the doctor's report being shared with their employer if they disagree with what it says

If the employee does not wish the employer to see their medical information, the employer will have to decide based on what they know and are told by the employee. This could potentially result in a less favourable outcome.

Members of Staff Falling Sick Whilst on Annual Leave

If an employee falls sick during their Annual Leave on days when they would usually be working, they may reclaim Leave for those days if they supply a doctor's certificate to cover them.

If they are unable to return to work after their Annual Leave and are not at their home address they should:

- Contact the Nursery Manager and advise them of the nature of the illness and when they expect to return to work.
- Give a contact address and the name and address of the doctor treating them if appropriate.

- Provide an original medical certificate or letter from the doctor to cover sickness of seven calendar days or more. (Backdated or photocopied documents are not acceptable). Where a sickness occurs which does not require medical intervention and is less than seven calendar days a Self-Certificate is acceptable.
- Respond to any contact that the Nursery Manager makes and agree regular contact.

Non statutory sick pay may be withheld if these conditions are not fully complied with.

Accidents

Employees must report any personal accident or injury arising during work hours. If your absence results from an accident in which damages are recoverable from a third party, we reserve the right to recover sickness payments. Employees must notify the Nursery Manager of any such accident.

General Notes

A record of absence will be kept by the Nursery Manager and stored in compliance with the Data Protection Policy in a secure location.

Where an employee has a long-term illness that requires regular medical appointments, will allow for the employee to take time to attend such appointments. The Nursery Manager should be notified as with any other absence.

The Preschool will allow employees to take time to attend routine medical appointments, including:

- Dental appointments
- Eye tests
- Hospital appointments
- GP appointments
- Vaccinations

The Nursery Manager should be notified of these in advance and wherever possible, should be taken at times which will cause the least amount of inconvenience to the Preschool or outside of working times.